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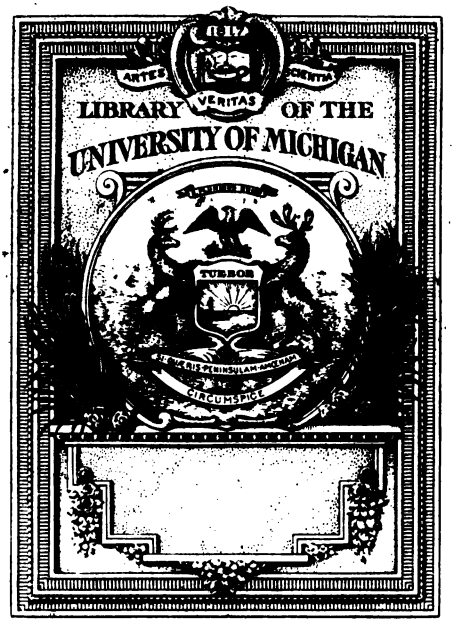
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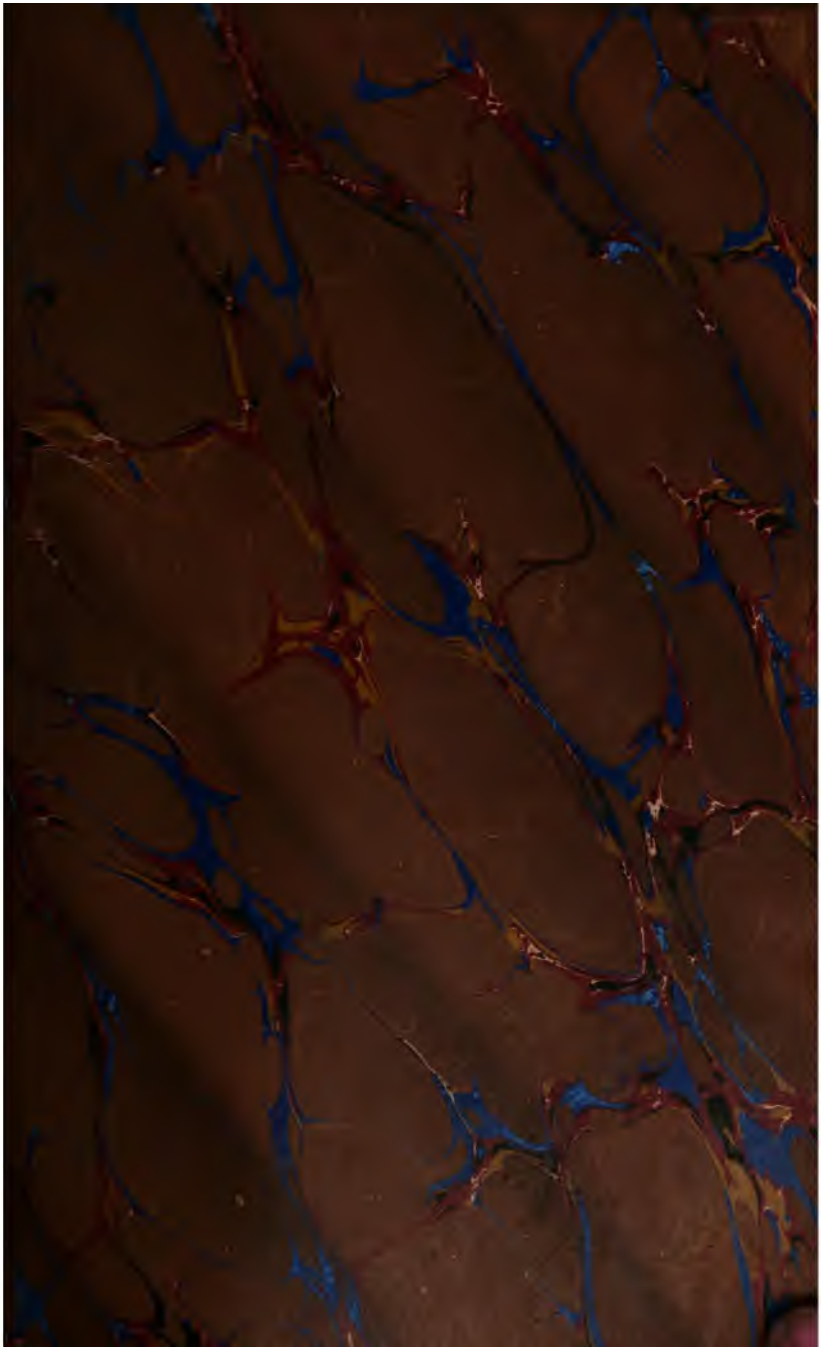

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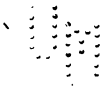

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CONTENTS.

COMMERCE AND MANUFACTURES. PAGE

Introduction, ... 1

Orders in Council, ... 18

LIVERPOOL ELECTION.

Introduction, ... 65

Speech, ... 68

LIVERPOOL MECHANICS' INSTITUTE.

Speech on Laying the Foundation Stone, . 77

THE SLAVE TRADE.

Speech, ... 93

CASE OF REV. JOHN SMITH.

Introduction, . . . 115

Missionary's Ca[illegible] 119

Reply, ... 166

NEGRO SLAVERY.

Speech, ... 193

THE SLAVE TRADE.

Dedication, ... 221

Speech, ... 223

EMANCIPATION OF NEGRO APPRENTICES.

Dedication, ... 241

Speech, ... 243

11.22.37 [illegible]

EASTERN SLAVE TRADE. PAGE

Speech, ... 283

Reply, ... 288

PRESENT STATE OF THE LAW.

Speech, ... 301

LOCAL COURTS.

Speech, ... 309

PARLIAMENTARY REFORM.

Speech, ... 319

POOR LAWS.

Speech, ... 389

SPEECH

ON

COMMERCE AND MANUFACTURES,

AND

THE ORDERS IN COUNCIL.

INTRODUCTION.

THE continental system of Napoleon, the idea and even the outline of which he took from the policy of the Republic, and especially the Executive Directory, formed during the latter part of his life, that is, after the termination of the peace of Amiens, the favourite object of all his attempts. The extension of his territorial possessions, and his direct power by the annexation of some provinces to France; the union of the kingdom of Italy with his imperial crown; and the foundation of dependent monarchies under members of his family in Naples and in Spain; were no doubt valued by him as in themselves tending to his own aggrandizement and that of his adopted country: yet as long as Great Britain remained unsubdued and with resources little exhausted even by the expenses of protracted wars, he knew that his security was exceedingly imperfect, and that a rallying point always must remain for whatever continental powers should make an effort to regain independence. The projects of invasion, if they were ever seriously entertained, he soon laid aside. It cannot be doubted that the chief benefit he expected from them, as far as they regarded England, was the shock which the attempt, however unsuccessful, must give to the stability of a singularly artificial political and commercial system. Nor could he ever reckon upon more than a temporary success in Ireland, to which the views of the Directory had been directed in vain while affairs rendered such a

plan far less likely to fail. The unbroken and unprecedented triumph of the British navy rendered all attempts at colonial warfare desperate, while the success of our cruisers in sweeping the seas made the combined maritime resources of France, Holland, and Spain alike ineffectual to embarrass our commerce or to protect their own. We had neither territory, nor dependencies, nor ships, nor trade, directly exposed to his power; and his whole supremacy, whether of direct power or indirect influence in Europe, seemed to arm him with no force which could be pointed immediately against the

Toto penitus divisos orbe Britannos.

Yet to injure us,—to reduce our resources—to cripple our trade—to weaken our authority in the world,—seemed necessary for his reputation, and even for his own security. Accordingly this was the point to which all his views were directed; and he never subjugated an enemy, or overpowered a rival, or seized upon a place, without endeavouring in the very first instance to make the event conducive towards the great design of injuring British trade.

There was evidently but one way in which this could be effected,—and that was to unite the continent in a general league against all commercial intercourse with our islands. If this could be rendered complete, our trade must be confined to our own dominions in Europe, the colonies, and India, and to those of our former subjects and kinsmen of America. A vast bulk of commerce would thus remain wholly beyond his reach; but a severe blow would also be struck by the entire loss of the European market.

In order, however, to render this scheme at all effectual, the European league must be complete. A single country having sea-ports, and communicating with other countries, raised the European blockade, because once our goods were introduced there, an entre-

pôt was obtained through which they might be sent all over the continent. Accordingly, wherever the French arms penetrated, although the sovereignty of the country might not be seized upon by France, she yet required the rigorous exclusion of all British ships and trade, as a condition of leaving the territory in possession of its former owners, even when these might be at peace or possibly in alliance with England, and whatever might have been the original title by which their dominions were acquired. This was carried so far, that in 1806, when Hanover was occupied by Prussia, Napoleon required the exclusion of our commerce with that Electorate, as an execution, or at least a consequence, of the treaty by which Prussia had previously bound herself to exclude it from her other territories. Nevertheless, such is the elasticity of trade, so extremely prone are men to run almost any pecuniary risks for the sake of having the chance of pecuniary gain, and so difficult is it to watch an extended line of sea-coast, that British produce found its way into all parts of the continent although at prices somewhat raised by the obstructions thrown in its way. Napoleon was therefore determined to try the effect of more severe measures of exclusion; and when the premature and ill-concerted resistance of Prussia, in the autumn of 1806 (principally occasioned by her refusing implicit submission to the commercial measures of France) had speedily terminated in the complete overthrow of her military power, and had placed her entirely at the conqueror's mercy, the first use he made of his victory was to issue his famous Berlin Decree, by which he professed to interdict all commerce, and even all intercourse, direct or indirect, with the British dominions. This interdict, so important in its consequences, bore date the 20th November, 1806, at Berlin, which he had then occupied with his troops, having driven the King from his capital, after the entire overthrow of his army at the battle of Auer-

stadt. It declared the British islands in a state of blockade — all British subjects, wheresoever found, prisoners of war—all British goods lawful prize. It interdicted all correspondence with our dominions; prohibited all commerce in our produce; and excluded from all the ports of France, and of the countries under French control, every vessel, of what nation soever, that had touched at a British port. The alleged ground of this measure was the distinction made by England, but not by her alone, or by any maritime state now for the first time, between enemy's property taken on shore or at sea (the former not being prize to the captors, unless it belonged to the hostile state; the latter being liable to capture, though belonging to private individuals) the similar distinction as to prisoners of war, who on shore are only made of persons taken with arms in their hands—and the extension of the right of blockade, which it was alleged we should restrict to places actually invested by an adequate force. The Berlin Decree was declared to be in force until England should agree to make the same law of capture applicable by sea and by land; and to abandon the right of declaring coasts or ports not actually invested, in a state of blockade.

It has been already observed that Napoleon borrowed from the Directory the outline of these commercial measures. The main provisions of the Berlin Decree are to be found in the Decrees of July, 1796, and January, 1798; the former of which professed to treat all neutrals in the same manner in which they should submit to be treated by England; the latter of which made all English goods or colonial produce liable to seizure wherever found, and all vessels to capture having any part of their cargo so composed—shut the French ports to every vessel that had touched at any British port—and even went to the barbarous extremity, not imitated by Napoleon, of denouncing death to all neutral seamen found on board of English ships.

Although some parts of the Berlin Decree were mere angry menaces, which France had no power whatever to execute, as the blockade of our whole coast, yet there were parts which she could carry into execution, at least to such an extent as must occasion great temporary embarrassment to the nations of the continent, and some interruption to our commerce. The seizure of all British produce, and the exclusion of all vessels that had touched at a British port, were the most formidable parts of the measure; and against these provisions the trading classes were urgent in their remonstrances. Napoleon sternly answered that he would not yield a hair's-breadth—that the utmost commercial distress must be undergone, if necessary to make England feel the weight of his hostility—and that the continent must be prepared for returning to the barter of the fourth century rather than yield to our pretensions, and suffer our commerce to escape his vengeance.

All men of sense and foresight saw plainly that this system could never be completely successful, and that by far the wisest course for England to pursue would be that of leaving France and the neutral states, especially America, to fight it out amongst themselves, secure that the result must be favourable to our trade, as long as our goods were in universal demand, and could nowhere else be obtained. The thing most to be dreaded was any retaliating measures on our part, since by these we must both increase the obstructions raised to our commerce by the attempts of France, in which, without the help of our prohibitions, enforced by our navy, she never could succeed; and also bring on a contention, possibly a rupture, with neutral powers, on whose aid as carriers we entirely depended, as long as the continent could not be approached by our own vessels. But such were not the views of men in power, and every party went wrong, though most of all the Tories. The Whigs were in office when the Berlin

Decree of November 1806 arrived in this country; and so little time was given for deliberation, before a course fraught with mischief of the greatest magnitude was resolved upon, that on the 7th of January following, the first of those fatal measures was announced, since so well known under the name of the Orders in Council. This first Order declared, that the Berlin Decree authorized England to blockade all the French dominions, to forbid any neutral power from entering our ports which had touched at any port of France or her dependencies, and justified us in capturing all her produce; but that we were unwilling to inflict such injuries on neutral nations. There never perhaps was a more absurd, not to say groundless statement in any instrument of state. The right thus gravely asserted is that of self-destruction, and the reason given for not exercising it, is the fear of injuring a neighbour. It is as if a man were to say to his adversary, "You have thrown a rocket at my house and my neighbour's, which from your great distance fell short of both buildings—therefore I have a full right to burn my own dwelling, but I will not, for fear I should set fire to the next house." The Order then states, 'that self-defence though not requiring complete retaliation, yet calls for something of the kind—in other words,—that though the duty of self-defence does not require the act of entire self-destruction, it yet calls for a partial self-destruction—and then it declares that for the purpose of retaliating upon the enemy the "evils of his own injustice," no vessel shall trade from one enemy's port to another, or from one port to another of a French ally's coast shut against English vessels; so that while the only chance our goods had of being spread over the continent was our getting them smuggled into some port less watched by France than the rest, and then having them freely conveyed from thence in all directions, the wisdom of the Whig cabinet, then flushed

with Napoleon's successes into a state of most belligerent excitement against him, induced them to institute a blockade against our own commerce, by forbidding any one to carry British manufactures from place to place of the continent. The only chance we had of sending our goods anywhere, was getting them in somewhere, and then having them freely distributed everywhere. "No," said the ministers of 1807, "let them be stopped where they are landed, and let no American think of carrying them elsewhere. Let them lie and rot in the warehouses of Pola, and Trieste, and Ancona, and Cadiz. But if any American or Sicilian presume to carry them on to their final destination, at Marseilles, or Bordeaux, or Nantz, let him be seized and condemned for violating the blockade instituted by the very effectual London Decree of England in aid of the empty Berlin Decree of France, both Decrees alike levelled at the existence of the British commerce, though levelled with very different aim."—It is further to be remarked, that there existed no right whatever in England to issue any such decree against neutral states, merely because France had violated neutral rights. If time had been given for seeing whether or not America and other neutrals would submit to the Berlin Decree, something might have been said in behalf of our order. But it was issued 7th January, 1807, the Berlin Decree having been dated 20th November, 1806,—consequently it was physically impossible that we should then know what course America intended to pursue with respect to the French invasion of her rights. To every fundamental objection afterwards urged against the other Orders in Council issued at the close of the same year by the Tory ministers, is the Whig Order of January 1807 completely exposed. It is equally a violation of neutral rights; tends equally to create a misunderstanding with America; operates equally in the wrong direction, namely, to the injury of our own

commerce; and has equally the preposterous effect of assisting Napoleon in carrying into execution against us those measures which, without our own help, must in his hands be nearly, if not altogether, inoperative.

Accordingly, although it suited the views of party to forget that Order, and only to attack those of Mr. Perceval, which were framed on the very same principles, and only went much farther in the same wrong direction, yet the Americans never made the least distinction between the two; and Mr. Brougham, while contending against the system on behalf of the English merchants and manufacturers at the bar of the House of Commons in 1808, objected in the very same terms to both, and always treated the preamble of the Whig Order, which stated a measure of vigour against ourselves enforcing the evils of Napoleon's hostility towards our commerce, to be retorting those evils on himself, as the leading absurdity of the whole system. It must be at the same time added, that when subsequent measures displayed more fully the absurd impolicy of their own act, the Whig party did eminently useful service by their strenuous opposition to the extended system of impolicy and injustice. To these ulterior measures it is now necessary that we should advert.

It was Mr. Stephen who first framed and afterwards zealously supported the famous Orders of November in that year, which brought the mercantile conflict with France, and unhappily with America also, to a crisis. These Orders were ushered in by a tract upon the general subject of the conduct pursued by neutrals, entitled *War in Disguise, or the Frauds of the Neutral Flags;* of all his works the most celebrated, the most justly admired, and a work certainly of extraordinary merit. The facts on which it dwelt were undeniably true, and as they appeared to show a systematic evasion of belligerent rights by the shifts and contrivances of neutral traders, connived at, and indeed encouraged by their governments, it

was no hard matter to influence the people of this country against such conduct, and make them believe that this was really hostility towards us and our interests under the mask of neutrality. The fallacy thus greedily swallowed by the nation's prejudices was very sincerely believed by the zealous author, and the ministers whom he counselled; and it is the prevailing fallacy which runs through the whole policy of the Orders in Council, from that of the Whigs in January, to that of the Tories in November, 1807. This fallacy consists in supposing that the trade driven by the neutrals with our enemies, because it benefits the latter, is therefore hurtful to ourselves, although it perhaps benefits us tenfold; on which is engrafted another mistake, if indeed it be not rather the root of the whole error, that of grudging the impossibility of our ever deriving advantage from the exchange of our goods without something of the benefit redounding to our enemies, customers, and consumers.

When in the train of this brilliant and captivating publication the Orders of November appeared, all men were struck with the magnitude of the design on which they were framed, and all reflecting men regarded them as calculated to execute the grand purpose of the first Decree. Their principle was indeed abundantly simple. Napoleon had said that no vessel should touch a British port and then enter a French one, or one under French control. The Orders in Council said that no vessel whatever should enter any such port unless she had first touched at some port of Great Britain. Many other regulations opposed to neutrals were made in prosecution of this principle, and an *ad valorem* duty was levied upon their cargoes. Immediately after came forth Napoleon's Milan Decree, bearing date the 17th December, 1807, enforcing more rigorously that of Berlin, and declaring all vessels lawful prize, which had submitted to the right of search claimed by England.

The first result of our general blockade of all Europe was the adoption in this country of a system most liable to every kind of abuse,—that of Licenses issued to let certain vessels pass notwithstanding the Orders; and this was accompanied by a yet more abominable system of fabricated papers, which naturalized among the merchants and navigators of this country the worst practices of forgery and fraud. The next result was the American Embargo and Non-Importation acts, operating a suspension of all commerce with the United States. The distress experienced by the trade and manufactures of this country was extreme. A series of hostile proceedings with America was begun,—and after much suffering endured, extreme ill-will engendered, many insults offered and resisted, this state of things ended in an open rupture, which lasted till the end of the war in Europe, led to the capture by the Americans of some British frigates, and was terminated by a most inglorious expedition to Washington, and a most unfortunate one to New Orleans,—leading to the injury of our national character in the one, and the tarnishing of our military fame in the other.

When the Orders in Council and the American Embargo first threatened British commerce with destruction, the merchants and manufacturers of London, Hull, Manchester and Liverpool, comprising all the industry of Yorkshire and Lancashire, and all the general trade which centres in the capital, petitioned Parliament against the obnoxious policy of the Orders, craved to be heard by their counsel, and tendered evidence of the injuries sustained by them from the operations of those Orders. Mr. Brougham was their counsel, and was heard at the bar of both Houses, where he likewise adduced the evidence during several weeks in support of the petitions. The ministry, however, triumphed over all the attempts then made to defeat the system; and it was not until

four years after, in 1812, that, the general distress having gone on increasing, there was found any chance of obtaining a more favourable hearing. Both Mr. Stephen and Mr. Brougham were now members of the House of Commons; and in March, 1812, the subject was brought forward by the latter. This motion was then negatived; but soon after Easter, he presented petitions from the same parties who had formerly been his clients; and on the motion of Lord Stanley,* on the 28th of April, the House agreed without a division to hear evidence in support of the petitions. The case was conducted every night for seven weeks by Mr. Brougham and Mr. Baring,† than whom it would not have been possible to find a more powerful coadjutor. His extensive possessions in America—his connexions both of family and commerce with that country—his former residence there—his vast mercantile knowledge derived from varied and long experience—his great general information, and the depth as well as precision of his understanding—would have rendered him a most formidable adversary of the system, even stript of all the weight which any cause that he espoused must derive from the name, and authority, and resources, of the first merchant in the world. The inquiry on the side of the petitions was wholly conducted by these two members, and each night presented new objections and new defeats to the Orders in Council, and new advantages to the opposition—by incidental debatings on petitions presented—by discussions arising on evidence tendered—by other matters broached occasionally in connexion with the main subject. The government at first, conceiving that there was only a clamour raised out of doors against their policy, and hoping that this would of itself subside, endeavoured to gain time and put off the hearing of the evidence. But Messrs. Brougham

* Afterwards Earl of Derby. † Afterwards Lord Ashburton.

and Baring kept steadily to their purpose, and insisted on calling in their witnesses at the earliest possible hour. They at length prevailed so far as to have it understood that the hearing should proceed daily at half-past four o'clock, and continue at the least till ten, by which means they generally kept it on foot till a much later hour, all but those who took a peculiar interest in the subject having earlier left the House.

On the 11th of May, a most lamentable catastrophe deprived the world of the minister who was the chief stay of Mr. Stephen's system. Mr. Perceval was walking arm in arm with that gentleman from Downing Street to the House, when he was met by a messenger whom the Secretary of the Treasury had despatched to hasten him, the opposition having refused to suspend the examination longer, as the hour appointed to begin had some time passed. Mr. Perceval, with his wonted activity, darted forward to obey the summons, and was shot as he entered the lobby of the House. It was remarked that had Mr Stephen, who walked on his left, been still with him, he would have been most exposed to the blow of the assassin. At that moment the inquiry had been recommenced, and Mr. Brougham was examining a witness, when he thought he heard a noise as if a pistol had gone off in some one's pocket—such at least was the idea which instantaneously passed through his mind, but did not interrupt his interrogation. Presently there were seen several persons in the gallery running towards the doors; and before a minute more had passed, General Gascoigne rushed up the House, and announced that the minister had been shot, and had fallen on the spot dead. The House instantly adjourned. Examinations were taken of the wretch who had struck the blow, and he was speedily committed for trial by Mr. M. A. Taylor, who acted as a magistrate for Middlesex, the county in which the murder was committed. On that day week, Bellingham,

having been tried and convicted, was executed, to the utter disgrace of the Court which tried him, and refused an application for delay, grounded on a representation that were time given, evidence of his insanity could be obtained from Liverpool, where he had resided and was known. It cannot with any truth be said that the popular ferment, which so astonishing and shocking an event occasioned, had at all subsided on the trial, the fourth day after the act was committed, and the day on which the Judge and Jury were called upon—calm in mind—inaccessible to all feelings—above all outward impressions—to administer strict and impartial justice.

The opponents of the Orders in Council refused peremptorily to suspend their proceedings, in consequence of this lamentable event. Indeed the suspension of all other business which it occasioned, was exceedingly favourable to the object of those who were anxious for an opportunity to produce their proofs and obtain a decision. A vast mass of evidence was thus brought forward, showing incontestably the distressed state of trade and manufactures all over the country, and connecting this by clear indications with the operation of the impolitic system which had been resorted to for "protecting our commerce, and retorting on the enemy the evils of his own injustice." At length, on the 16th of June, Mr. Brougham brought forward his motion for an address to the Crown to recall the obnoxious Orders; and the following was the speech which he delivered upon that occasion. The course of the government was inexplicable. The absence of Mr. Stephen from his place, where he had attended every hour of the preceding inquiry, and taken a most active part in supporting the ministerial measure, plainly showed that a determination had been come to which he could not approve. Yet if it was resolved to strike—if the system was abandoned—there seemed no intelligible

reason why the leader of its adversaries should be heard to describe the mischiefs that had flowed from it, and to place its authors before the people as the cause of all they were enduring under it. This, however, was the plan resolved upon; and after Mr. Brougham had been heard in support of his motion, and Mr. Rose in defence of the system, and when Mr. Baring had followed, Lord Castlereagh, on the part of the government, announced that there was no reason for pressing the motion to a division, because the Crown had been advised immediately to rescind the Orders. The effects produced by the numerous petitions—by the discussions to which these gave rise—by meetings in different places—by the testimony of the witnesses,—were so apparent within the last fortnight, that there remained no doubt of the motion being carried, and hence the determination to which the ministers deemed it prudent that they should come.

Mr. Stephen's absence on such an occasion was certainly not easily to be accounted for, unless upon the supposition that he could not have been in his place without expressing his dissatisfaction in terms so strong, possibly so contemptuous, as might not suit the precarious position in which the government now was placed, deprived of Mr. Perceval, and opposed by Mr. Canning, as well as the Whig party. To this government Mr. Stephen adhered, regarding it as the remnant of his friend Mr. Perceval's administration, and as regulated, generally speaking, by principles the same with his own. He never was accused, at any time, of unworthily sacrificing those principles for any consideration; and three years afterwards he gave a memorable proof of his public virtue, by at once abandoning the ministry, and resigning his seat in parliament, because they pursued a course which he disapproved, upon the great subject of Colonial Slavery. He retired into private life, abandoned all the political questions in which he took so warm an interest, gave

up the public business in which he still had strength sufficient to bear a very active part, and relinquished without a struggle or a sigh all the advantages of promotion both for himself and his family, although agreeing with the government in every other part of their policy, because on that which he believed conscientiously to be the most important of all their practical views, they differed from his own. It would indeed be well if we had now and then instances of so rare a virtue; and they who looked down upon this eminent and excellent person as not having answered the expectations formed of his parliamentary career, or sneered at his enthusiastic zeal for opinions in his mind of paramount importance, would have done well to respect at a distance merit which they could not hope to imitate —perhaps could not well comprehend—merit, beside which the lustre of the statesman's triumphs and the orator's fame grows pale.

SPEECH ON

THE ORDERS IN COUNCIL.

HOUSE OF COMMONS—JUNE 16, 1812.

SIR,—I rise to bring before the House a proposition regarding the subject which has recently occupied so large a share of our attention—the present state of Trade and Manufactures, and the sufferings of the people of England. And I am confident I shall not be accused of exaggeration when I say, that it is by far the most interesting and momentous topic which can at this crisis engage the attention of parliament. After six weeks spent in the inquiry—after a mass of evidence unparalleled in extent has been collected—the time is at length arrived, when we are called upon for the result of our investigation, for our determination in behalf of the country, and our advice to the Crown upon the mighty interests which we have been examining. But while I dwell upon the importance of this subject, I am by no means disposed to follow the practice usual upon such occasions, and to magnify its extent or its difficulty. The question is indeed one of unexampled interest, but of extremely little intricacy. Its points are few in number—they lie within a narrow range—they are placed near the surface—and involved in no obscurity or doubt. Its materials are only massive in outward appearance, and when viewed at a distance. There seems to be a huge body of details. This load of papers—these eight or nine hundred folios of evidence—together with the bulk of papers and

petitions lying on your table, would naturally enough frighten a careless observer with the notion that the subject is vast and complicated. Yet I will venture to assert, that I shall not have proceeded many minutes, before I have convinced not only those who assisted in the labours of the Committee—not those merely who have read the result of the Inquiry on our minutes—but those who now for the first time give their attention to the question, and come here wholly ignorant of its merits, that there has seldom been a subject of a public nature brought before this House, through which the path was shorter and surer, or led to a decision more obvious and plain.

There is, however, Sir, one task which meets me in the outset, and one of so painful a nature, that I would fain recede from it. It is my severe duty this night to make you acquainted with the distresses of the people, and principally of the lower orders, that is to say, the most numerous and industrious classes of our countrymen. To handle the question without entering into these afflicting details, or to travel amongst them without the deepest uneasiness, would require an ingenuity or an insensibility which are equally foreign to my nature. For to whom could the scenes which we positively witnessed in the Committee be so distressing, as to those whose anxiety for the welfare of the lower orders impelled them to devote their days and nights to the labours of the Inquiry? And it is now my hard task to give those who were not there to see and hear, some idea of what passed before our very eyes—the strange and afflicting sight of ancient men, the pillars of the trade and credit of the country, coming forth to lament, not that they saw wasting away beneath the fatal policy of our government the hard-earned fruits of their honest and industrious lives—not that they were approaching to old age stripped of the support which they had been providing for that season—but because they no longer had the means of saving from

absolute want the thousands of unhappy persons dependent upon them for subsistence—because they had no longer wages to give the thousands, who were eager to work for any pittance to sustain life—because, having already exhausted their whole means, all the accumulations of their lives, in the charitable office of employing those poor people, they were now brought to the brink of that dreadful alternative, either of leaving them to perish, or of shutting their ears to the wants of connexions that had still stronger claims. These are things which I cannot pass over; but I willingly delay entering upon them for some little time; and at present I should prefer calling your attention to more general circumstances, which less directly, though with equal force, prove the unexampled calamities of the times.

And here, Sir, I do not allude merely to the numerous petitions preferred to Parliament, setting forth the distresses of the country, and praying for a repeal of the Orders in Council. I will not dwell upon these, nor ground my inferences upon them. And yet I well might avail myself of such an argument on the present occasion. For if the system was adopted for the express purpose of relieving our trade and manufactures, what better proofs of its inefficacy, than the loud and general complaints of our merchants and workmen against it? If the very ground and justification of those measures has always been the necessity of affording relief to the commerce and industry of the country, what can be more in point, while they are urging the merits of the plan, than the fact, that Yorkshire, Lancashire, and Warwickshire, all the great districts of our manufactures, joined formerly in expressing their fears of the *relief* you were offering them; and now, after four years' trial of its virtues, loudly pray to be saved from such a remedy, imploring you for pity sake to abandon them to the hostility of their enemies, and spare them the merciless kindness of the protection

under which they are groaning? Yet I will forego whatever support the cause may derive from the fact of these petitions, in order to dwell upon the more indirect and unexpected, and therefore wholly unsuspicious testimony, which it derives from other quarters. I would beseech the House to cast its eye abroad upon the various projects for obtaining relief, to which of late the people have in different parts of the country had recourse—the attempts and devices to which, in the restlessness of their sufferings, they have been resorting, with the vain hope of shifting or shaking off from them the load of calamity under which they labour. Some of those schemes, I know, are most inadequate to the object—some are nugatory and absurd —some are positively hurtful to them, and deserving of reprobation. But they all proceed from the feverish uneasiness, the impatience of rest, which forms an undoubted symptom of the prevailing malady. Take, for example, the disorders which in different districts have given rise to short-sighted attacks upon machinery and other private property. Of these it is impossible to speak without blame; but when we reflect on the misery which brought on this state of violence, it is hard to avoid mingling pity with our censure. Another remedy, as short-sighted, though unhappily perfectly legal, I have myself had occasion to see attempted in the course of my professional employment—I mean the applications which numerous bodies of manufacturers have made to courts of justice, for enforcing one of the most impolitic laws on the statute book, the act of Elizabeth, requiring magistrates to fix the rate of wages—a law which has been absurdly permitted to subsist, on the pretence that it was not likely to be acted upon, and which, as might have been expected, stands ready to promote mischief at the moment when it may be most dangerous, without the possibility of ever doing good. A third expedient has been thought of, in application to this House for the abolition of

sinecure places, or the appropriation of their profits to the expenses of the war. Of this remedy I by no means think so lightly as some do; it would indeed only afford a trifling relief, but it would go far to prevent the recurrence of the evil, by diminishing the interest of many persons in the continuance of hostilities, and would disarm, I believe, some of the most warlike characters of the time.

But I would particularly entreat you to consider the numberless petitions from almost every part of the country which now crowd your table, against continuing the East India Company's monopoly. That some of those applications are founded in the most just and politic views of the subject, I am far from denying; that the great and once opulent city of Liverpool, for instance, the second in the empire, would derive material relief from that participation in the East India trade, to which it has undoubted right, cannot be doubted; and Glasgow, Bristol, and one or two other places, are in the same predicament. But is this the case with all the other towns, I might almost say villages, which have preferred the same prayer to us in equally urgent terms? Is it the case with any considerable proportion of them? What think you, Sir, of places demanding a share of this trade, which have neither commerce nor manufactures? I will give you a specimen of others which have something to export, but not exactly of the quality best suited to those Eastern markets. One district has petitioned for a free exportation to the East Indies, which to my knowledge raises no earthly produce but black horned cattle. The potteries have demanded permission to send freely their porcelain to China; and the ancient and respectable city of Newcastle, which grows nothing but pit coal, has earnestly entreated that it may be allowed to ship that useful article to supply the stoves and hothouses of Calcutta. All these projects prove nothing less than the incompetence of their authors to find out

a remedy for their sufferings; but they do most distinctly demonstrate how extensive and deep-seated the evil must be, and how acute the sufferings which seek relief from such strange devices. They remind one of the accounts which have been handed down to us of the great pestilence which once visited this city. Nothing in the story of that awful time is more affecting, than the picture which it presents of the vain efforts made to seek relief. Miserable men might be seen rushing forth into the streets, and wildly grasping the first passenger they met, to implore his help, as if by communicating the poison to others, they could restore health to their own veins, or life to its victims whom they had left stretched before it. In that dismal period there was no end of projects and nostrums for preventing or curing the disease; and numberless empirics every day started up with some new delusion, rapidly made fortunes of the hopes and terrors of the multitude, and then as speedily disappeared, or were themselves borne down by the general destroyer. Meanwhile the malady raged until its force was spent; the attempts to cure it were doubtless all baffled; but the eagerness with which men hailed each successive contrivance, proved too plainly how vast was their terror, and how universal the suffering that prevailed.

So might I now argue, from the complaints and projects which assail us on every hand, how deeply seated and widely spread is the distress under which the people are suffering. But unhappily we have to encounter its details in many other shapes; although it is not my intention to travel through the mass of evidence on your table, the particulars of which I may safely leave to my honourable friend,* who has so laudably devoted his time and abilities to this investigation. Let me only, Sir, remind the House of the general outline of the Inquiry. We have examined

* Mr. Baring, afterwards Lord Ashburton.

above a hundred witnesses, from more than thirty of the great manufacturing and mercantile districts. These men were chosen almost at random, from thousands whom we could have brought before you with less trouble than it required to make the selection; the difficulty was to keep back evidence, not to find it; for our desire to state the case was tempered by a natural anxiety to encroach as little as possible on the time of the House, and to expedite by all means the conclusion of an inquiry, upon the result of which so many interests hung in anxious suspense. In all this mass of evidence there was not a single witness who denied, or doubted—I beg your pardon, there was one —one solitary and remarkable exception, and none other even among those called in support of the system, who even hesitated in admitting the dreadful amount of the present distresses. Take, for example, one of our great staples, the hardware, and look to Warwickshire, where it used to flourish. Birmingham and its neighbourhood, a district of thirteen miles round that centre, was formerly but one village, I might say one continued workshop, peopled with about four hundred thousand of the most industrious and skilful of mankind. In what state do you now find that once busy hive of men? Silent, still, and desolate during half the week; during the rest of it, miserably toiling at reduced wages, for a pittance scarcely sufficient to maintain animal life in the lowest state of comfort, and at all times swarming with unhappy persons, willing, anxious to work for their lives, but unable to find employment. He must have a stout heart within him who can view such a scene and not shudder. But even this is not all. Matters are getting worse and worse; the manufacturers are waiting for your decision, and if that be against them they will instantly yield to their fate, and turn adrift the people whom they still, though inadequately, support with employment. Upon your vote of this night the des-

tiny of thousands in that district alone depends; and I ask you before you give it to tell me what must become of those thousands, or of the country in which they shall be turned loose? I am aware that the language I use may be misinterpreted—it may be perverted into a threat; but I speak of incontrovertible facts from the evidence before you, when I affirm, that if you this night say "NO" to the petitions against the Orders in Council, you let loose upon the country thousands and thousands—I will not say of riotous, or disorderly, or seditious, or even discontented people—but only of hungry men who must either find food or perish. Look now to Yorkshire,—to the clothing county. The late Chancellor of the Exchequer, in the only conversation I had the honour of holding with him upon this question, was very confident that the case of the petitioners would fail in these districts; you have proved it, said he, as far as respects hardware, but, you will do nothing in the Woollen trade. Sir, we have now gone through the case, and how stands the fact? It is still stronger with respect to the clothing than the hardware! It is more various in its features and more striking in the result, because the trade is more extensive, and employs both larger capitals and a more numerous people. One gentleman tells you that he has twenty, another twenty-five thousand pounds locked up in unsaleable, unprofitable stock, which loads his warehouses. A third has about thirty, and a fourth no less than ninety thousand pounds thus disposed of. In the warehouses of one merchant there are eighty thousand pounds worth of Cottons, and in those of another at Liverpool from two to three thousand packages, chiefly Woollens and Cottons, valued on the lowest computation at two hundred thousand pounds, every article of which was destined for the American market, and can find no other vent. In the West Riding thousands have been thrown out of all employment—but this is nothing com-

pared with the fearful apprehensions which are there entertained, if you this night refuse them relief. I pass lightly over this ground—but the fact is known that in that populous county, the applications to the parish officers have so alarmingly increased, that they have given repeated warnings to the master manufacturers, and I believe to the higher authorities, of their utter inability to relieve the increasing distress, or to answer for its consequences. Among other circumstances which marked this part of the case, there was one peculiarly affecting to every one who heard it.—It had been proved that at Kidderminster, where the great Carpet manufacture is almost entirely destroyed, the wants of the poor became so pressing that they were forced to part with their little stock of furniture, which used to make their cottages in some degree comfortable, and even the clothes off their backs, to raise food, until the pawnbrokers, having already loaded themselves with such deposits, refused to issue any more tickets. But at Sheffield, the same feature recurred in a heightened and still more striking form. The workmen in the Cutlery trade, unable to obtain any longer their usual market, from the master dealers and merchants or brokers refusing to purchase any more, were compelled to pawn their articles at a very low valuation, for money, and even for food and clothes—so that this extraordinary state of things arose—the pawnbrokers came into the London market with the goods, and there met the regular dealers, whom they were able greatly to undersell; in such wise as to supply in a considerable degree the London and other markets, to the extreme augmentation of the distresses already so severely pressing upon this branch of trade.

I might detain you, Sir, in an endless repetition of this same tale of misery, through its different shapes, were I to describe its varieties in the other districts to which the evidence applies. But I shall only refer to

the cotton trade; and that, not for the sake of stating that here too the same picture was presented of capital locked up—men of great nominal wealth living without income—trading, or seeming to trade, without profits —numberless workmen dismissed—those who remain employed earning only half or quarter wages—parish rates increasing—charitable supplies failing, from the reduced means of the upper classes, and the hourly augmented claims upon their bounty—and the never-ceasing feature of this case in all its parts, the impending necessity of instantaneously disbanding those who are only now retained in the hopes of your favourable decision; but I would draw your attention to the Cotton districts, merely to present one incidental circumstance which chanced to transpire respecting the distresses of the poor in those parts. The food which now sustains them is reduced to the lowest kind, and of that there is not nearly a sufficient supply; bread, or even potatoes, are now out of the question; the luxuries of animal food, or even milk, they have long ceased to think of. Their looks, as well as their apparel, proclaim the sad change in their situation. One witness tells you, it is only necessary to look at their haggard faces, to be satisfied what they are suffering;—another says that persons who have recently returned, after an absence of some months from those parts, declare themselves shocked, and unable to recognize the people whom they had left. A gentleman largely concerned in the Cotton trade, to whose respectability ample testimony was borne by an honourable Baronet*—I cannot regularly name him—but in a question relating to the cotton trade, it is natural to think of the house of Peel—that gentleman whose property in part consists of cottages and little pieces of ground let out to work-people, told us that lately he went to look after his rents—and when he

* The first Sir R. Peel.

entered those dwellings, and found them so miserably altered—so stript of their wonted furniture and other little comforts—and when he saw their inhabitants sitting down to a scanty dinner of oatmeal and water, their only meal in the four-and-twenty hours, he could not stand the sight, and came away unable to ask his rent. These feelings so honourable to him—so painful to us who partook of them—were not confined to that respectable witness. We had other sights to endure in that long and dismal inquiry. Masters came forward to tell us how unhappy it made them to have no more work to give their poor men, because all their money, and in some cases their credit too, was already gone in trying to support them. Some had involved themselves in embarrassments for such pious purposes. One again, would describe his misery at turning off people whom he and his father had employed for many years. Another would say how he dreaded the coming round of Saturday, when he had to pay his hands their reduced wages, incapable of supporting them; how he kept out of their way on that day, and made his foreman pay them; while a third would say that he was afraid to see his people, because he had no longer the means of giving them work, and he knew that they would flock round him and implore to be employed at the lowest wages; for something wholly insufficient to feed them. Indeed, said one, our situation is greatly to be pitied; it is most distressing, and God only knows what will become of us, for it is most unhappy! These things, and a vast deal more—a vast deal which I will not attempt to go through, because I absolutely have not the heart to bear it, and I cannot do it—these things, and much more of the same melancholy description, may be seen in the minutes by such as did not attend the Committee; or as far as I have been able to represent them, they may be understood by those who have not heard the evidence. But there were things seen in the Committee

which *cannot* be entered on its records; which were not spoken in words, and could not be written down; which I should in vain attempt to paint—which to form any idea of, you must have been present, and seen and heard. For I cannot describe to you the *manner* in which that affecting evidence was given. I cannot tell you with what tones and looks of distress it was accompanied. When the witnesses told the story of the sufferings of their work-people and their own sufferings on their account, there was something in it which all the powers of acting could not even imitate; it was something which to feel as I now feel it, you must have seen as I saw. The men to whom I am now alluding belonged to the society of *Friends*—that amiable body of persons—the friends indeed of all that is most precious to man—the distinguished advocates of humanity, justice, and peace, and the patterns, as well as promoters of all the kindest charities of our nature. In *their* manner of testifying to this cause, there was something so simple and so touching, that it disarmed for a season the habitual indignation of the learned father of the system,* and seemed to thaw the cold calculations of its foster parent,† and his followers of the Board of Trade and Shipping Interest.‡

Sir, there is one circumstance in these melancholy details, which I have refrained from touching upon, because it seemed always to excite a peculiar degree of soreness: I mean the scarcity. We have often been taunted with this topic. We have been triumphantly asked, "What! Is the scarcity too, owing to the Orders in Council?" Certainly we never thought of ascribing the wet summer, and the bad crop, to the present commercial system; but as for scarcity, I imagine there may be two kinds of it equally inconvenient to the people—a scarcity of food, and a

* Mr. Stephen. † Mr. Rose. ‡ Mr. Marryatt, &c.

scarcity of money to buy food with. All the witnesses whom we examined were, without exception, asked this question, "Do you recollect the scarcity of 1800 or 1801?" Yes, was the answer, we do remember it; the dearth was then great, greater than at present, for there were two failing crops." But when we asked, whether the *distress* was as great, they flung up their hands and exclaimed—"O nothing like it, for then the people had plenty of work and full wages, whereas now the want of money meets the want of food." But further, Sir, have you not taken away the only remedy for this scarcity—the only relief to which we can look under a bad harvest—by closing the corn market of America? Did we not always say, in arguing upon these measures, prospectively, "Where are you if a bad season comes, and there is a risk of famine?" Well—unhappily this calamity has come, or approaches; the season is bad, and a famine stares us in the face, and now we say as we did before—"Where are you with your Orders in Council, and your American quarrel?" Why, Sir, to deny that those measures affect the scarcity, is as absurd as it would be to deny that our Jesuit's bark bill exasperated the misery of the French hospitals, for that the wretches there died of the ague and not of the bill—True, they died of the ague; but your murderous policy withheld from them that kindly herb which the providence that mysteriously inflicted the disease, mercifully bestowed for the relief of suffering humanity.

Before I quit this subject, let me entreat of the House to reflect how it bears upon the operations now carrying on in the Peninsula. Our armies there are fed from America; supplies to the amount of eight or nine millions a-year, are derived by them from thence; the embargo t'other day raised the price of flour in the Lisbon market above fifty per cent.; and when the news of this advance reached London, you heard from

one witness that it occasioned in a single morning, within his own knowledge, an export from this port of six thousand barrels of flour to supply the Portuguese market. Our operations in Spain and Portugal then depend upon the intercourse with America, and yet we madly persist in cutting that intercourse off! And is it indeed come to this? Are we never to lose sight of the Spanish war, except when America is concerned? To that contest what sacrifices have we not cheerfully made? To its paramount importance what perpetual tribute have we not been paying? Has it not for years been the grand object of our hopes as of our efforts; the centre upon which all our politics, external and domestic, have hinged; the point which regulated everything, from the negotiation of a public treaty to the arrangement of a Cabinet? Upon this contest what millions of money, what profusion of British blood have we not lavished, without ever stopping to count the cost, so self-evident have we ever deemed its advantages or rather its necessity to be? Yet now are we prepared to abandon it—to sacrifice all our hopes of its future profit—to throw away every advance that we have already made upon it, because it can no longer be prosecuted without involving us in the costs and dangers of—a reconciliation with America! For this war, for this same bootless war, we hesitate not to neglect every interest, every domestic tie—to cripple, oppress, starve, and grind down our own people; but all attention to it, all thought of it, suddenly leaves us the moment we ascertain that, in order to carry it on, we must abandon an unjust and ruinous quarrel with our kinsmen in America, and speedily relieve the unparalleled distresses of our own countrymen! Now, and now only, and for this reason and none other, we must give up for ever the cherished object of all our hopes, and no longer even dream of opposing any resistance to France upon the continent of Europe—because by

continuing to do so we should effectually defeat her machinations in America!

I have now, Sir, slightly and generally touched upon the heads of that case of deep distress which the evidence presents to our view; and I here stop to demand by what proofs this evidence has been met on the other side of the House? Not a question did the honourable gentlemen, who defend the system, venture to put by way of shaking the testimony, the clear and united testimony to which I have been alluding; not a witness did they call on their part with the view of rebutting it, save only one, and to this one person's evidence it is necessary that I should call your attention, because from a particular circumstance it does so happen that it will not be found upon the minutes, and can therefore only be known to those who heard it, by whom, I well know, it never can be forgotten. This man, whom I will not name, having denied that any great distress prevailed among the lower orders in the manufacturing districts, it was fit that I should examine him a little more closely, seeing that he took upon himself to contradict the statement unanimously given by the most respectable merchants and manufacturers in the country but a few days before. I therefore asked whether he meant to say, that the artizans had the same wages as usual—And then was disclosed a scene the most revolting, the most disgusting, that it is possible to conceive, insomuch, indeed, that I was, immediately afterwards, implored by the gentlemen opposite to allow the evidence to be expunged, that it might not remain on our Journals to defile them. This man in substance told us, that the people had enough of wages—that they had no right to more—that when their wages were at the former rate they had three times as much as they ought to have!—What? Did he really dare to say that the food which we had heard with sorrow described by the Lancashire witnesses was enough for the support of

Englishmen, or that this miserable fare was all that the lower people of this country have a right to—the lower people to whom we all owe our national greatness? Did he venture to tell the representatives of that people—us who are sent here by them—who meet here only to consult for their interests—who only exist by and for them—that a short allowance of oatmeal and water (for such is the fact) was the fit fare for them? * Sir, this man sprung, I make no doubt, himself from the same class of the community, and at any rate now became by their labour, I am ashamed to say, one of the most affluent merchants in the city of London—this loyal man, for he began his evidence with an attack upon Jacobinism, and imputed the present distresses to the seditious machinations of partymen in this town, I rather think he meant to insinuate in this House — an attack which was also ordered to be expunged from the minutes—this very person standing in this Commons House of Parliament, was shameless enough to insinuate that Englishmen must be fed low to keep them quiet; for he distinctly stated, that if you gave them more, you pampered them, or as he termed it, accustomed them to "luxuries irrelevant to their condition," and unhinged (as he phrased it in the jargon of his loyalty) "unhinged the frame of society." Sir, I yielded to the united entreaties of the gentlemen opposite, and for the sake of peace and the credit of our records, I consented to this disgraceful evidence being expunged. I now repent me of what I did; for I ought rather to have suffered the contamination to remain that it might record by what sort of witnesses this system is upheld, and according to what standard of popular rights and national happiness the defence of the system is framed. So much, however for the first and last attempt which was made to impeach the facts brought forward by our witnesses.

* See evidence of Mr. Wood, Mr. Bentley, &c.

Driven from this ground, then, the right honourable gentleman retreats to his well known hold, and takes refuge in the Custom-house books—in the accounts of the Inspector-General. I could have wished that he had brought that worthy and respectable officer himself to the bar, because then we might have learned more accurately how those returns are made up; at present we have only a meagre note of a few lines describing the errors of this proceeding. But, with respect to these returns, I must, in the first place, observe, that we cannot, in this stage of the inquiry, rely on such evidence; the period is gone by when they might have been admissible. I shall explain myself in a moment upon this point. Accounts of exports and imports are resorted to, and most properly, in order to estimate the trade of the country when we have no better data; because those accounts give something like an approximation or rough guess at the state of the trade, and are in ordinary cases the only means we have of getting at a knowledge of the state of the country in point of commercial prosperity. But when we know from other sources of the most unquestioned authority everything relating to this very point—when we have by actual inquiry learned in what state the commerce of the country is—when we have gone to the fountain head and seen the situation of things with our own eyes—it is idle and preposterous to run after lists of exports and imports, which are only the less perfect evidence—the indirect sign or symptom,—and utterly out of time after we have examined the thing itself. We have seen that the people are starving all over the manufacturing districts, and the master manufacturers ruined; after this to produce an array of Custom-house figures, for the purpose of showing whether manufactures are flourishing or not, is stark nonsense—Such an array is superfluous, if it coincides with the better proofs; if it contradicts them, what man alive will listen to it for one moment?

But I confess, Sir, that with me, at any stage of the inquiry, the credit of those Custom-house tables would be small, after the account of them which appears in evidence. The Inspector himself has stated in his Memorandum, that the method of making up the account of exports cannot be safely relied upon, in those instances where no payment is made; and by one of the returns it appears, that of twenty-seven millions, the average yearly value of exports, only ten millions are subject to duty on exportation, and that above eight millions neither pay duty, nor receive bounty or drawback; upon this sum at least, then, all the inaccuracy admitted in his minute must attach. But the evidence sufficiently explains on which side of the scale the error is likely to lie: There is, it would seem, a fellow-feeling between the gentlemen at the Custom-house, and their honoured masters at the Board of Trade; so that when the latter wish to make blazing statements of national prosperity, the former are ready to find the fuel. The managing clerk of one of the greatest mercantile houses in the city, tells you that he has known packages entered at £5,000 which were not worth £50; that those sums are entered at random, and cannot be at all relied upon. Other witnesses, particularly from Liverpool, confirm the same fact; and I know, as does my right honourable friend, the Chancellor of the Exchequer, who was present, that the head of the same respectable house, a few days ago mentioned at an official conference with him, an instance of his own clerks being desired at the Custom-house to make a double entry of an article for export. After such facts as these, I say it is in vain to talk of Custom-house returns, even if they were contradicted in no respect by other evidence. After showing one such flaw in them, I am absolved from all further trouble. I am not bound to follow their details and prove them false step by step. I have shown enough to destroy their credit as documents, and with this irreparable damage on their face,

I might here leave them. But strange to tell, after all the boasting of the gentlemen opposite—in spite of every contrivance to conceal the real fact—and notwithstanding the essentially vicious mode of preparing those documents, it does so happen, that the falling off in our trade is too great even for the machinery of the Custom-house to sustain, or cover it over; and with every effort to prevent its appearance, here it breaks out upon the face of the Custom-house papers themselves! At first, the methods I have spoken of were, no doubt, successful. When the defalcation was confined within certain limits, those methods might conceal it, and enable the ministers to delude this House and the country, with details of our flourishing commerce. But that point has been passed, and no resources of official skill can any more suppress the melancholy truth, that the trade of the country has gone to decay. I hold in my hand the latest of these annual returns; and by its details we find that, comparing the whole amount of trade, both exports and imports (which is the only fair way of reckoning), in 1809, with its amount in 1811, there is a falling off in the latter year to the amount of no less than thirty-six millions—compared with 1810, the falling off is thirty-eight millions. If we confine our view only to the export of British manufactures, we find, that the falling off in 1811, as compared with either of the former years (for they are nearly equal), amounts to sixteen millions. And if we take in the export of foreign and colonial produce also, the falling off in 1811, compared with 1809, is twenty-four, and compared with 1810, no less than twenty-seven millions! Then, Sir, *we* need not object to the evidence afforded by those papers—they make most strongly in favour of *our* argument—they are evidence for *us*, if any evidence from such a quarter were wanted—and, whatever credit you may give to the testimony by which I have been impeaching their authenticity—how little soever you may be inclined to agree with me in doubt-

ing their accuracy, and in imputing exaggeration to them—I care not even if you should wholly deny that any such flaws are to be found in their construction, and that any such abatement as I have described is to be made from their total results; I say, corrected or uncorrected, they prove my case—and I now rely on them, and hold them up in refutation of the Board of Trade, because they distinctly demonstrate an immense, an unparalleled, diminution in our commerce, during the last eighteen months, and wholly coincide with both our evidence and our argument.

Of the positions advanced by the defenders of this system, one of the most noted is, that what we may have lost by its operation in one quarter, we have gained elsewhere—and that if the United States are no longer open to us, we have extended our trade in the other parts of America, and in some new European channels. To this argument, however, the returns which I have just been dwelling upon furnish a most triumphant, if it were not rather a melancholy, answer. For you will observe, Sir, that the mighty falling-off, which those accounts exhibit, is upon the *whole* trade of the country—that it includes South America, Heligoland, the Baltic, and the Mediterranean, as well as the United States, and the dominions of France. If, therefore, upon the *whole* trade there has been this great defalcation, it is idle to talk of compensation and substitutes. The balance is struck—the deficiency is proved, after all the substitutes have been taken into the account, and credit has been given for them all. Every such allowance being fully made, there is still a total loss of trade in one year to the enormous amount of eight and thirty millions sterling. In like manner do these returns dispose of another famous argument—that the deficit of last year is only apparent; that it arises from making a comparison with 1810, the greatest year ever known; but that, compared with former years, there was no falling off at all. What now be-

comes of this assertion? The falling off in the last year, as compared with 1810, being thirty-seven millions; it is thirty-five, as compared with 1809; and the deficit of exports of British manufactures is very nearly the same in both those comparisons. So much for the assertions of honourable gentlemen, and the real results of the Custom-house documents.

But let us attend a little more closely to the much-boasted substitutes for our American trade, which are to be found in the Spanish and Portuguese colonies in the South, and in our own settlements in the North. Almost all the witnesses who were examined knew something of these branches of commerce; and it was the constant practice on this side of the House to ask them, how far they had found relief from them? We generally began with inquiring, whether they had tried the South American markets? and there was always the same sort of answer: it was in most cases given with an air and manner sufficiently significant, independent of the words; there was generally a something which I should distinguish by a foreign expression, if I might be permitted to use it, where we have none at home that will convey the meaning—a sort of *naïveté*—an arch and humorous simplicity, which some now present must recollect. "Try the South American market?—Aye, that we have!" Or, "Know the Brazil trade?—We know it full well!" Some who had not personal experience of it, on being asked, "Whether they knew of any others who had tried the South American trade?" said, "They never wished to know any such people, or to have anything to do with them." Most of them told us, that their disappointments were owing to Sir Home Popham's circular; and when we desired explanation, and demanded what profits they had turned on those adventures, whether twenty or only ten per cent.—they said they had always lost fifty or sixty, or more in the hundred, and never sold for prime cost; frequently abandoning the goods to their fate,

to save further charges in inquiring after them. Thus much appeared when *I* examined them; being myself no trader, I could only question them generally and diffidently: accordingly, in my hands, they came off easily and safely enough—not so when the Vice-President of the Board of Trade took up the tale, which he never failed to do as soon as I laid it down. Then was seen all the closeness of a practical scrutineer; he took them to task as a real merchant, dealer and chapman; he spoke to them in their own language, and rated them in a manner so alarming to them—but to my honourable friend * and myself so amusing, that even now it is some merriment to recollect the dialogue:—"What!" he would say, "did you suffer a loss from the great South American market?" "Yes," was the answer, "a loss of fifty or sixty per cent." "Indeed," said the oracle of trade, sharply enough, "why, what sort of cargoes did you send?"—"Woollens," they would answer, "or flannels, or calicoes," as the case might be:—"Woollens," he would reply, "why, how *could* you think of such a thing?—Woollens!—no wonder that you lost."—So that all comes of their bad trading, and not of the bad market.—"While you are left to yourselves," says the right honourable gentleman, "no wonder that you make a losing speculation of it: What can your ordinary traders know of such fine markets as our South Sea bubble?—Come to us—repair to our Board of Trade—let *us* assort your cargoes—take a hint from my noble colleague in trade † and me, who carry on the commerce of the country—Come to the license shop, and we will teach you the sure way—not perhaps of making a profit, for in these times that is not to be expected—but of reducing your losses, so that you shall only lose thirty or perhaps not more than twenty per cent. on each adventure!"—But grant that these merchants have really mistaken the

* Mr. Baring. † Lord Bathurst.

right honourable gentleman's grand market, and have not exactly hit upon the articles that suit it; is it nothing against this new market that none of the real traders—nobody but Lord Bathurst, and his Board in Downing Street, can find out what things answer for it? Is certainty and steadiness no longer a desirable quality in trade? Are we to value commerce for its changeableness? Is variety now the great beauty of traffic? Is that life of employment for capital to be preferred which gives the most precarious returns, where the hazards are the greatest, and the obstacles the most difficult? as if the merchant was in search of amusement, or of that kind of unnatural delight which gamesters are said to take in the risks and dangers of their unworthy occupation? Really, Sir, I speak as one ignorant of the subject practically; I am not like the gentlemen of the Board, an adept in the mysteries of commerce; but from everything I had heard, I did imagine that there was some merit in the old-fashioned qualities which were conceived, foolishly I imagine, and ignorantly, to distinguish a good market, and that it was nothing the worse for being accessible —plain enough to enable traders to find out what suited it — large enough not to be soon glutted — regular enough to be confided in more years than one—and gainful enough to yield some little profit, and not a large loss upon each adventure.

Then comes the other great substitute, the market of British North America, and here the same proofs of a complete glut are to be found in every part of the evidence. At first, indeed, when the people of the United States did not go hand in hand with the Government, and unwillingly supported, or endeavoured to evade the prohibitory laws, it was found easy to smuggle in our goods through Canada, to a considerable amount. But this outlet too we have now taken especial care to close up, by persisting in the same measures which rendered such a roundabout trade

necessary, until we exasperated the people of the United States, as well as their Government, and enabled the latter to take whatever steps might be requisite for completing the exclusion of our trade—those measures have been adopted—the contraband in Canada is at an end, and there is no longer that vent in British North America, which the Board fondly imagined it had so slily provided for our commerce; a vent which, at the best, must have been a most wretched compensation for the loss of the American traffic, in its direct and full course.

But, Sir, we are talking of substitutes; and I must here ask how much of the South American or European trade is really a substitute for that of the United States?—because, unless it is strictly speaking so substituted in its place, that it would be destroyed were the North American trade restored, no possible argument can be drawn from its amount, against the measures which I now recommend for regaining the market of the United States. It is pretended that the export to North America used to be much greater than the consumption of that country, and that a large part of it was ultimately destined for the consumption of South America and the West Indies; from whence the inference is drawn, that as we now supply those markets directly, the opening of the North American market would not be so large an increase as is supposed. The fact is quite otherwise. It is proved in evidence by a respectable witness * who has resided for years in America, and by the official returns before Congress, that not above a thirteenth in value of the amount of the goods sent from this country to the United States, is in the whole re-exported to South America and the West Indies; and of this not above a half can be British manufacture. There will only be then a diminution of half a million in the export to North America

* Mr. P. C. White.

from this cause, and that must have been much more than supplied by the increase of the North American market since the trade was stopt. So too the markets of Brazil, and of Spain and Portugal, which are spoken of as substitutes for our North American commerce, will most unquestionably continue as at present after that commerce shall have been restored. All the deductions that we have any right to make are too contemptible to be mentioned. No proof is offered or even attempted to be given, that these pretended substitutes are in fact substitutes; that they would not continue to exist in their present extent after the revival of the branches in the place of which they are absurdly said to be substituted. Therefore I need not argue as to the extent or the excellence of these new markets. Be they ever so valuable—be they as fine as the Vice-President and his Board can dream of, my argument is not touched by them, unless it be shown that we must lose them by restoring our intercourse with the United States.

Under the pressure, then, which the loss of our foreign trade has occasioned, have we discovered in the course of the inquiry any relief? The gentlemen opposite eagerly fly to the home market; and here their disappointment is, I grieve to say, speedy and signal. On this branch of the question the evidence is most striking and harmonious. In all the trades which we examined, it appeared that the home market was depressed in an unexampled degree. And this effect has been produced in two ways. Goods destined for the foreign market, no longer finding that vent, have been naturally thrown more or less into the home market, so as to glut, or at least greatly overstock it. And again, those places which depended for part of their support upon the foreign market, have been so crippled by the loss of it, that their consumption of articles of comfort and luxury has been materially contracted. This is remarkably illustrated in the evidence respecting

the cutlery trade; which, from the nature of its articles, is peculiarly calculated to explain both the circumstances I have alluded to. Not only do the dealers in that line find the home market unusually loaded with their goods, but they tell you that they find a much smaller demand than formerly for those goods in all places which used to be engaged in the American trade. Evidence of the same kind is to be found touching another article of luxury, or at least comfort, the Kidderminster manufactory; and the respectable and intelligent witnesses from Spitalfields explained fully how the diminution of their staple manufacture, from what causes soever arising, never failed to affect all the other branches of industry in that district, down to the bricklayer and common day-labourer. It must be so; the distribution of wealth, the close connexion and mutual dependence of the various branches of industry, will not permit it to be otherwise.

While I am speaking of the home trade, Sir, I must call your attention in passing, to one species of relief which is more apparent than real, arising to that branch of our commerce out of the war and its expenditure. It is certain that at present a great part of the trade which remains to us is not a regular, lucrative, and if I may so speak, wholesome and natural trade—but a mere transfer of money from the tax-payer through the tax-gatherer to the manufacturer or merchant—a mere result of the operations of supply within this House, and the operations of war out of it. I speak now, not only of the three millions a-year paid to the shipping interest for the transport service—nor of the vast amount of our expenditure in the Peninsula and Mediterranean; which delusively augment by many millions the apparent exports of the country, but I will take an instance from the evidence and the papers on your table, and it shall be from Birmingham. Half of the trade there being now gone, there remains a manufacture, we are told, of goods to the amount of

£1,200,000 a-year, for home consumption. But this home consumption includes the demand of that great and extravagant consumer, the Government. The Ordnance accounts show that above £700,000 are paid in one year for gun and pistol barrels made at Birmingham; so that only half a million is the real and genuine extent of the remaining manufacture. The rest no doubt relieves the manufacturers and workmen, but it is a relief at the expense of the other members of the community; and the expense goes to feed the war—to support soldiers and sailors, who in return, though doubtless they perform great and precious services to the country, yet do not at all contribute to augment its wealth, or maintain its revenues, as workmen and peasants would do if the same sums were expended upon them. A similar observation may be applied to the expenses of clothing the Army and Navy. In Yorkshire, and some parts of Scotland, these demands have been found to constitute the bulk of the remaining trade. Their amount I know not with any accuracy, as the returns which I moved for are not yet produced; but it is easy to conjecture that six or seven hundred thousand men cannot be clothed at a very small expense. All these demands must be deducted from the account, if we wish to exhibit a fair view of the actual state of our manufactures.

Suffer me, Sir, before leaving this part of the subject, to state a circumstance, connected with the home trade, which is peculiarly striking, and argues to show clearly, that things are in such a state that any relief obtained in one quarter must be at the expense of another. In the clothing districts, it was stated that about a year and a-half ago, a considerable extension of trade had been experienced in many branches; and no sooner was the circumstance mentioned than the Vice-President's countenance brightened up, as if he had at length begun to see daylight, and the tide was really turned in his favour: so he greedily pur-

sued the inquiry. It turned out, however, that this relief (and it was the only one of which we met with any trace during our whole investigation) was owing to a change of fashions, which about that time was introduced, the ladies having taken to wear cloth pelisses during that winter. But soon after came the sequel of the same tale; for we were examining the Spitalfields weavers on some other points, and upon their stating that they were never so badly off as about a year and a-half ago, we inquired to what this was owing, and it turned out that it arose entirely from the change of fashions among the ladies, who no longer wore silk pelisses. Thus the clothiers were relieved entirely at the expense of the weavers, and the only instance which this long and various inquiry affords of the universal sufferings being interrupted by any more favourable events—the only diminution to the distresses that is anywhere to be met with—is one which increases those miseries precisely in the same degree in some quarter, equally deserving our protection and our pity.

But there is one ground which the advocates of the system always retreat to, when they are driven out of the facts, and find themselves unable either to deny the miseries which their projects have occasioned, or to contend that there are any practicable means of relief. They allow that our commerce is destroyed—they admit that the people are impoverished—but there are other considerations, they contend, which a great nation should entertain—there are more valuable possessions than trade and wealth—and we are desired to consider the dignity and honour of the country. Sir, there is no man within these walls to whom such an appeal could be made with more effect than to him who is now addressing you. Let it but be shown to me that our national honour is at stake—that it is involved in this system—nay, that it touches it in any one point—and my opposition from that moment is at

an end—only prove to me, that although our trade is gone, or turned into confined, uncertain, and suspicious channels—although our manufacturers are ruined and our people starving—yet all these sacrifices and sufferings are necessary for our character and name—I shall be the first to proclaim that they are necessary and must be borne, because I shall ever be the foremost to acknowledge that honour is power and substantial inheritance to a great people, and that public safety is incompatible with degradation. Let me but see how the preservation of our maritime rights, paramount as I hold them to every other consideration, is endangered by the repeal of the Orders in Council—and I sit down and hold my peace. But I now urge you to that repeal, because I hold it most conscientiously to be, not injurious but essential to the preservation and stability of those rights, and of the naval power which protects them; and I must therefore crave your leave to step aside for a while from the details in which I have been engaged, in order to remove, as I well know I speedily can, all idea of the necessity of the Orders in Council to the security of our Naval rights. This explanation is due both to the question itself, to the numerous parties who are now in breathless anxiety awaiting its decision, and if I may presume to say so, to my own principles and character.

On the foundation of our pretensions as at the present time urged I am loath to enter, because, whether they are just or not, according to my view of the question, the maintaining or abandoning of them, even of the most untenable among them, is quite foreign to this discussion. I will not therefore stop to examine the value, or the justice of our claim to unlimited blockade—what is significantly termed *paper blockade*. I might ask since when this has been introduced or sanctioned by even our own Courts of Public Law? I might refer you to the beginning of last war, when our commanders in the West Indies having declared

the ports of Martinico under blockade, the highest authority in matters of prize, the Lords of Appeal, without hesitation decided this blockade to be contrary to the Law of Nations, and refused to support it. But as my argument requires no such position, as it leads me quite clear of this question, I wish not to embarrass myself at all with it, and I will freely grant everything that can be asked upon the question of right. I will admit that we have a right to blockade by a few lines in the *Gazette*, whole islands, coasts, continents, nay, the entire world and all its harbours, without sending a single sloop of war to enforce the order. This admission, I should think, is sufficient to satisfy the most blockading appetite in the House, though I perceive, by the smile of distrust on the Chancellor of the Exchequer's countenance, that it falls short of his notions. I will also pass over the still more material question, how far we have a right to blockade, for purposes not belligerent but mercantile, that is, to exclude neutrals from trading with our enemy, not with the view of reducing that enemy to submission, and terminating the contest more speedily, for the general good, but upon the speculation of stunting the enemy's trade, and encouraging our own. Lastly, I shall say nothing of the most obvious of all these questions—how far we have a right to blockade the enemy, and exclude the neutral, for the purpose of breaking our own blockade and engrossing the trade with the enemy, from which we keep the neutral out—a question ably stated the first time I had the honour of bringing forward this subject, by a right honourable gentleman on the opposite side.* All these questions I pass from, however strong my opinion may be upon some of them; and I do not even stop to show what the evidence does at every step substantiate, that the Orders in Council do in no respect tend to secure even any one of those pre-

* Mr. Canning.

tended advantages for our own trade over the enemy's; but I hasten to grapple with the substance of the argument on the other side, by which the Orders in Council are connected with these maritime rights, all of which I am now admitting. It is said, that if we repeal those Orders, and waive or relinquish for the present and for our own evident advantage, the rights on which they are founded, then we sacrifice those rights for ever, and can never again, happen what may, enforce them. Is it really so, Sir? Then woe betide us and our rights? for which of all our maritime rights have we not at one time or another relinquished? Free ships make free goods, says the enemy, and so say many other powers. This we strenuously deny, and we deem our denial the very corner-stone of our maritime system. Yet at the peace of Utrecht we gave it up, after a war of unexampled success, a series of uninterrupted triumphs, in which our power was extended, and France and her allies humiliated. The famous rule of the war of 1756 has had the same fate—that principle out of which the Orders in Council unquestionably sprung. The name by which it is known shows that it is but a modern invention; but it seems to have been waived or relinquished almost as soon as it was discovered; for in the American war it was given up, not only in practice, but by repeated decisions in our Prize Courts: I allude especially to the well known judgments of Sir James Marriott upon this point. In the last war it was also departed from, by express acts of the Government in 1793 and 1794; yet, by a strange coincidence, the very person who now tells us that to refrain from forcing a right, and to abandon it for ever, are one and the same thing, was he who contributed more than any other man to revive the rule of the war 1756; he who gave to the world an able and learned work, certainly,—but one which I deeply lament ever saw the light,—I mean the tract known by the name of *War in Disguise*.

Another, and, in my opinion, by far the most valuable of our maritime rights, is the right of search for contraband of war; it is one of the most unquestionable, too, for it is strictly a belligerent principle. But have we invariably exercised it? Nay, have we not offered to give it up? Recollect the first armed neutrality, at the close of the American war; Mr. Fox was then engaged in negotiating away this very right; and by a fatality as remarkable as that which I have just spoken of, this very statesman (and a greater has never ruled in this kingdom, nor one more alive to the true honour of his country), was the very man who first extended the right of blockade, in May, 1806; and his colleagues, regulated by his principles, were the authors of the coasting blockade, the first step to the famous Orders in Council. How, then, can any man who has a memory about him, pretend to tell us, that if we for a moment cease to exercise those rights, we never can again enforce them, when you find that we have not merely abstained from exercising, but actually surrendered at different times all the maritime principles which we now hold most sacred and most essential? Is it necessary always to do a thing because you have the right to do it? Can a right not be kept alive except by perpetually using it, whether hurtful or beneficial? You might just as well say, that because I may have a clear right of way through my neighbour's close, therefore I must be eternally walking to and fro in the path, upon pain of losing my right should I ever cease to perform this exercise. My honourable and learned friend * would run up and tell me, if he saw me resting myself, or eating, or sleeping, or walking to church—"Why, what are you about? You are leaving, relinquishing, abandoning your inviolable and undoubted right; if you do not instantly return and constantly walk there, you are an

* Mr. Stephen.

undone man." It is very possible that this may be destructive of my comforts, nay, absolutely ruinous to me, but still I must walk, or my right of way is gone. The path may lead to a precipice or a coal-pit, where I may possibly break my neck in groping after my sacred rights. What then? My grandchildren, long after I shall have been destroyed in preserving this claim, may have to thank me for some pleasant or profitable walk, which it seems there was no other way of keeping possession of but by my destruction. This is precisely the argument applied to the present question. I will maintain that every right may safely be waived, or abandoned for reasons of expediency, and resumed when those reasons cease. If it is otherwise —if a right must be exerted, whether beneficial or ruinous to him who claims it, you abuse the language by calling it a right—it becomes a duty, an obligation, a burthen. I say, if your interest requires the relinquishment of the rights in question, abstain from enforcing them—give them up under protest—do not abandon them—do not yield them in such a way that you may seem to acknowledge yourselves in the wrong—but with all the solemnities which can be devised, with as many protestations and other formalities as the requisite number of civilians can invent; state that you are pleased to waive the exercise of the right for the present, or until further notice; and that for your own interest, and with views of your own, you are content to refrain from enforcing this chapter of the maritime code. Their brain must be filled with whimsies, and not with ideas of right, who can imagine that a conduct like this would place our pretensions in jeopardy, or throw a single obstacle in the way of exerting on the morrow the very same rights, of which next Saturday's *Gazette* should contain the waiver. Always let it be remembered, that I ask no surrender, no acknowledgment. I say, keep fast hold of your rights —on no account yield them up — but do not play

the part of madness, and insist on always using those rights even when their use will infallibly work your ruin.

In entering, Sir, upon the discussion of our maritime system, I have been drawn aside from the course of my statement respecting the importance of the commerce which we are sacrificing to those pure whimsies, I can call them nothing else, respecting our abstract rights. That commerce is the whole American market — a branch of trade in comparison of which, whether you regard its extent, its certainty, or its progressive increase, every other sinks into insignificance. It is a market which in ordinary years may take off about thirteen millions worth of our manufactures; and in steadiness and regularity it is unrivalled. In this respect, or indeed in any other, it very little resembles the right honourable gentleman's* famous South American market. It has none of the difficulty and uncertainty which it seems are now among the characteristics of a good trade; neither has it that other remarkable quality of subjecting those who use it to a loss of fifty or sixty per cent. unless they put their speculations and assortments under the fostering care of the Board of Trade. All such properties I disclaim on the part of the American commerce; it is sure and easy, and known, and gives great and steady profits. The returns are indeed as sure, and the bad debts as few, as they used to be even in the trade of Holland. Those returns are also grown much more speedy. Of this you have ample proof before you, not merely from the witnesses actually examined, who have all said that the payment was now as quick as in any other line, and that the Americans often preferred ready money bargains for the discount; but the same thing is exemplified in the *omissions* of the case brought forward by the petitioners. Four years ago they told you, and proved it

* Mr. Rose.

at your bar, that were the intercourse with the United States cut off, we should lose above twelve millions, or a year and a-half's payments, that being the sum then due from America to this country. *Now* they have no such case to urge; for they well know, that were a balance struck between the two nations to-morrow, it would be considerably in favour of the Americans, so greatly have they increased in wealth, and so rapidly has this immense trade been growing, as it were, under our very eyes!

There are some political facts, which we must take as facts, because they are proved to us, without being able to account for them, or to trace them to their origin, and explain their causes. But the extent, and swift and regular progress of the American market for British goods is not of this number; we can easily and clearly account for it. In the nature of things it can be no otherwise, and the reason lies on the very surface of the fact. America is an immense agricultural country, where land is plentiful and cheap; men and labour, though quickly increasing, yet still scarce and dear when compared with the boundless regions which they occupy and cultivate. In such a country, manufacturers do not naturally thrive: every exertion, if matters be left to themselves, goes into other channels. This people is connected with England by origin, language, manners, and institutions; their tastes go along with their convenience, and they come to us as a matter of course for the articles which they do not make themselves. Only take one fact as an example: The negroes in the Southern States are clothed in English-made goods, and it takes forty shillings a-year thus to supply one of those unfortunate persons. This will be admitted to be the lowest sum for which any person in America can be clothed; but take it as the average, and make deduction for the expenses above prime cost—you have a sum upon the whole population of eight millions,

which approaches the value of our exports to the United States. But it is not merely in clothing; go to any house in the Union, from their large and wealthy cities to the most solitary cabin or log-house in the forests—you find in every corner the furniture, tools, and ornaments of Staffordshire, of Warwickshire, and of the northern counties of England. The wonder ceases when we thus reflect for a moment, and we plainly perceive that it can be no otherwise. The whole population of the country is made up of customers, who require and who can afford to pay for our goods. This, too, is peculiar to that nation, and it is a peculiarity as happy for them as it is profitable to us. I know the real or affected contempt with which some persons in this country treat our kinsmen of the west. I fear some angry and jealous feelings have survived our former more intimate connexion with them—feelings engendered by the event of its termination, but which it would be wiser as well as more manly to forget. Nay, there are certain romantic spirits who even despise the unadorned structure of their massive democratic society. But to me I freely acknowledge the sight of one part of it brings feelings of envy, as an Englishman; I mean the happy distinction, that over the whole extent of that boundless continent, from Canada to the Gulf of Mexico, and from the Mississippi to the Atlantic Ocean, there is not one pauper to be found. Such are the customers whom America presents to us. The rapid increase of their culture and population too, doubling in twenty-five or thirty years, must necessarily augment this demand for our goods in the same proportion. Circumstanced as the two countries are, I use no figure of speech, but speak the simple fact when I say, that not an axe falls in the woods of America which does not put in motion some shuttle, or hammer, or wheel in England. Look at Mr. Parkes's evidence, and you will see that the changes which happen in the New World, or the political proceedings of the two governments,

their orders, and manifestoes, and negotiations, may be perceptibly traced in their instantaneous effects in this country—in the increased or diminished velocity (I speak to the letter) of the wheels which are moving in the different districts where English manufactures used to flourish.

But let us merely pause upon the broad fact of the present amount of the American market, and let us keep our eye for a moment upon the numerical expression of its demand—thirteen millions sterling by the year! Why, Sir, only conceive any event which should give an opening in the north of Europe, or the Mediterranean for but a small part of this vast bulk—some change or accident by which a thirteenth, aye, or a thirtieth of this enormous value of British goods could be thrown into the enemy's countries! Into what transports of delight would the Vice-President be flung! I verily believe he would make but one step from his mansion to his office—all Downing Street, and all Dukes' Place would be in an uproar of joy. Bless me, what a scene of activity and business should we see! What Cabinets—what Boards!—What amazing conferences of Lords of Trade!—What a driving together of Ministers!—What a rustling of small clerks!—What a mighty rushing of brokers!—Circulars to the manufacturing towns—harangues upon 'Change, performed by eminent naval characters—triumphal processions of dollars and volunteers in St. James's Square!—Hourly deputations from the merchants—courteous and pleasing answers from the Board—a speedy importation into Whitehall, to a large amount, of worthy knights representing the city—a quick return cargo of licenses and hints for cargoes—the whole craft and mystery of that license trade revived, with its appropriate perjuries and frauds—new life given to the drooping firms of dealers in forgery, whom I formerly exposed to you—answered by corresponding activity in the Board of Trade and its clerks—slips of the pen worth fifteen

thousand pounds*—judicious mistakes—well-considered oversights—elaborate inadvertencies—Why, Sir, so happily constituted is the right honourable gentleman's† understanding, that his very blunders are more precious than the accuracies of other men; and it is no metaphor, but a literal mercantile proposition, to say, that it is better worth our while to err with him than to think rightly with the rest of mankind!—And all this life, and activity, and machinery for what?—To snatch at a miserable export—occasional—fleeting—irregular—ephemeral—very limited in amount—unlikely to recur—uncertain in its return—precarious in its continuance—beneficial to the enemy—exposed to his caprices, and liable by his nod to be swept at once into the fund of his confiscations—enjoyed while he does permit it, by his sufferance for his ends—enriching his subjects—manning his fleets—nursing up for him a navy which it has already taken the utmost efforts of our unconquerable marine to destroy!—Good God! the incurable perverseness of human folly!—always straining after things that are beyond its reach, of doubtful worth and discreditable pursuit, and neglecting objects of immense value, because in addition to their own importance, they have one recommendation which would make viler possessions desirable—that they can be easily obtained, and honestly as well as safely enjoyed!—It is this miserable, shifting, doubtful, hateful traffic that we prefer, to the sure, regular, increasing, honest gains of American commerce; to a trade which is placed beyond the enemy's reach—which besides encircling ourselves in peace and honour, only benefits those who are our natural friends, over whom he has no control, but who if they were ever so hostile to us, could not annoy us—which supports at once all that remains of liberty beyond

* Mr. Baring had stated, that by two mistakes at one time licenses were rendered so valuable, that he would have given that sum for them.

† Mr. Rose.

the seas, and gives life and vigour to its main pillar within the realm, the manufactures and commerce of England!

And now, Sir, look to the other side of this picture. —See to what sources of supply you are driving the Americans, when you refuse them your own markets. —Why, you are forcing them to be wholly dependent on themselves! The eighteenth century closed with a course of violence and folly, which in spite of every natural tie, dissolved their political connexion with the crown; and, as if the cup of our infatuation was not full, we must begin the nineteenth with the phrenzy of severing them from all connexion, and making them, contrary to the course of nature itself, independent of our manufacturers and merchants! I will not go through the evidence upon this important branch of the case, for I feel myself already too much exhausted to attempt it; but whoever reads it will find it uniformly in every page showing the effects of our system, in forcing manufactures all over America to rival our own. There is not one branch of the many in which we used quietly, and without the least fear of competition, to supply them, that is not now to a certain degree cultivated by themselves; many have wholly taken rise since 1807—all have rapidly sprung up to a formidable maturity. To give but a few examples. In New York there are now forty thousand looms going—glass is made in a way that we ourselves witnessed, for we saw the specimen produced—wool cards are now made there which used regularly to be imported from hence—and there is a considerable exportation of cotton twist to the South of Europe, from the country which possesses the most abundantly the raw material. I say nothing of their wool, and the excellent Merino breed they have obtained from Spain. Look only to one striking fact—Pittsburgh is a town remotely situated in the most western part of the Union. Eighteen years ago it was a hamlet, so

feeble and insecure that the inhabitants could scarcely defend themselves from their Indian neighbours, and durst hardly quit the place for fear of being scalped. Now there are steam engines and a large glass work in the same town, and you saw the product of its furnaces. It stands on a stratum of coal fifteen feet thick, and within a few inches of the surface, which extends over all the country west of the Alleghany chain. Coal there sells for six shillings the chaldron, and the same precious mineral is to be found in the Atlantic States, at Richmond, and elsewhere, accessible by sea. It is usual to see men on 'Change in the large towns with twenty, thirty, and fifty thousand pounds in trade—Companies are established for manufactures, insurance, and other mercantile speculations, with large capitals, one as high as £120,000 sterling. —The rate of interest is six per cent., and the price of land in some places as high as in England. I do not enumerate these things to prove that America can already supply herself,—God forbid!—If she could, the whole mischief would be done, and we could not now avert the blow; but though too much has indeed been effected by our impolicy, a breathing time yet is left, and we ought at least to take advantage of it, and regain what has been thrown away—in four or five years' time it will be gone for ever.

But I shall here be told, as I often have been, that these counsels spring from fear, and that I am endeavouring to instil a dread of American manufactures, as the ground of our measures. Not so, Sir,—I am inculcating another fear—the wholesome fear of utter impolicy mixed with injustice—of acting unfairly to others for the purpose of ruining yourselves. And after all, from what quarter does this taunt proceed? Who are they by whom I am upbraided for preaching up a dread of rival American manufactures?—The very men whose whole defence of the system is founded upon a fear of competition from European manufactures

—who refuse to abandon the blockade of France, from an apprehension (most ridiculous as the evidence shows) of European manufactures rivalling us through American commerce — who blockade the continent from a dread that the manufactures of France, by means of the shipping of America, will undersell our own—the men whose whole principle is a fear of the capital, industry, and skill of England being outdone by the trumpery wares of France, as soon as her market is equally open to both countries!—Sir, little as I may think such alarms worthy of an Englishman, there *is* a kind of fear which I would fain urge—a fear too of France; but it is of her arms and not of her arts. We have in that quarter some ground for apprehension, and I would have our policy directed solely with a view to removing it. Look only at the Spanish war in its relation to the American trade. In that cause we have deeply embarked—we have gone on for years, pouring into it our treasures and our troops, almost without limit, and all the profit is yet to come. We have still to gain the object of so many sacrifices, and to do something which may show they have not been made in vain. Some great effort it seems resolved to make, and though of its results others are far more sanguine than I am able to feel, I can have little hesitation in thinking, that we had better risk some such attempt once for all, and either gain the end in view, or, convinced that it is unattainable, retire from the contest. If then this is our policy, for God's sake let the grand effort be made, single and undivided—undistracted by a new quarrel, foreign to the purpose, and fatally interfering with its fulfilment.—Let us not for the hundredth time commit the ancient error which has so often betrayed us, of frittering down our strength — of scattering our forces in numerous and unavailing plans.—We have no longer the same excuse for this folly which we once had to urge. All the colonies in the world are our

own—sugar Islands and spice Islands there are none from Martinico to Java, to conquer—we have every species of unsaleable produce in the gross, and all noxious climates without stint. Then let us not add a new leaf to the worst chapter of our book, and make for ourselves new occasions, when we can find none, for persisting in the most childish of all systems. While engaged heartily on our front in opposing France, and trying the last chance of saving Europe, let us not secure to ourselves a new enemy, America, on our flank. Surely, language wants a name for the folly which would, at a moment like the present, on the eve of this grand and decisive and last battle, reduce us to the necessity of feeding Canada with troops from Portugal—and Portugal with bread from England.

I know I shall be asked whether I would recommend any sacrifice for the mere purpose of conciliating America. I recommend no sacrifice of honour for that or for any purpose; but I will tell you, that I think we can well and safely for our honour afford to conciliate America. Never did we stand so high since we were a nation, in point of military character. We have it in abundance, and even to spare. This unhappy and seemingly interminable war, lavish as it has been in treasure, still more profuse of blood, and barren of real advantage, has at least been equally lavish of glory; its feats have not merely sustained the warlike fame of the nation, which would have been much; they have done what seemed scarcely possible; they have greatly exalted it; they have covered our arms with immortal renown. *Then* I say use this glory—use this proud height on which we now stand, for the purpose of peace and conciliation with America. Let this and its incalculable benefits be the advantage which we reap from the war in Europe; for the fame of that war enables us safely to take it;—And who, I demand, give the most disgraceful counsels—they who

tell you we are in military character but of yesterday —we have yet a name to win—we stand on doubtful ground—we dare not do as we list for fear of being thought afraid—we cannot without loss of name stoop to pacify our American kinsmen! Or I, who say we are a great, a proud, a warlike people—we have fought everywhere, and conquered wherever we fought—our character is eternally fixed—it stands too firm to be shaken—and on the faith of it we may do towards America, safely for our honour, that which we know our interests require!—This perpetual jealousy of America! Good God! I cannot with temper ask on what it rests! It drives me to a passion to think of it—Jealousy of America! I should as soon think of being jealous of the tradesmen who supply me with necessaries, or the clients who intrust their suits to my patronage. Jealousy of America! whose armies are yet at the plough, or making, since your policy has willed it so, awkward (though improving) attempts at the loom—whose assembled navies could not lay siege to an English harbour:—Jealousy of a power which is necessarily peaceful as well as weak, but which, if it had all the ambition of France and her armies to back it, and all the navy of England to boot, nay, had it the lust of conquest which marks your enemy, and your own armies as well as navy to gratify it—is placed at so vast a distance as to be perfectly harmless! And this is the nation of which for our honour's sake we are desired to cherish a perpetual jealousy, for the ruin of our best interests!

I trust, Sir, that no such phantom of the brain will scare us from the path of our duty. The advice which I tender is not the same which has at all times been offered to this country. There is one memorable era in our history, when other uses were made of our triumphs from those which I recommend. By the treaty of Utrecht, which the reprobation of ages has left inadequately censured, we were content to obtain

as the whole price of Ramillies and Blenheim, an additional share of the accursed slave trade. I give you other counsels. I would have you employ the glory which you have won at Talavera and Corunna, in restoring your commerce to its lawful, open, honest course; and rescue it from the mean and hateful channels in which it has lately been confined. And if any thoughtless boaster in America or elsewhere should vaunt that you had yielded through fear, I would not bid him wait until some new achievement of our arms put him to silence, but I would counsel you in silence to disregard him.

Sir, I move you,—"That an humble address be presented to his Royal Highness the Prince Regent, representing to his Royal Highness that this House has, for some time past, been engaged in an inquiry into the present depressed state of the manufactures and commerce of the country, and the effects of the Orders in Council issued by his Majesty in the years 1807 and 1809; assuring his Royal Highness, that this House will at all times support his Royal Highness to the utmost of its power, in maintaining those just maritime rights which have essentially contributed to the prosperity and honour of the realm—but beseeching his Royal Highness, that he would be graciously pleased to recall or suspend the said Orders, and to adopt such measures as may tend to conciliate Neutral Powers, without sacrificing the rights and dignity of his Majesty's crown."

SPEECH

AT

THE LIVERPOOL ELECTION.

INTRODUCTION.

In consequence of Mr. Brougham s connexion, both in 1808 and 1812, with the commercial interests of Liverpool, especially those persons engaged in the American trade, he was invited to attend a public dinner after the termination of the Northern Circuit, in August, 1812. Mr. Roscoe presided, and the Lord-Lieutenant, the late Lord Derby, as well as his son, Lord Stanley, with Lord Sefton, and many others of the Lancashire country gentleman who favoured liberal principles, attended. Dr. Shepherd, the able, learned, and enlightened friend of every cause connected with the rights of civil and religious liberty, also honoured the meeting with his presence. A requisition was soon after sent inviting Mr. Brougham to stand as candidate for the borough at the approaching general election, and it was immediately manifest that one of the present members, General Tarleton, had no chance of success, should Mr. Brougham accept the invitation, which he immediately did.

But a further resolution was taken, which has been, in consequence of the eventual failure, the subject of much animadversion upon the Whig leaders of Liverpool. Not satisfied with returning one member, they brought forward a second in the person of their fellow-townsman, Mr. Creevey, then member for Thetford, for which place he was again returned during the Liverpool election. The first effect of this proceeding was to confirm the Tory party in an intention

which they had already been discussing among themselves, that of bringing forward Mr. Canning, together with General Gascoigne, who stood upon the old corporation interest. Mr. Canning accepted the invitation of the great and spirited body of Tory merchants not immediately connected with that municipal body, and there were thus four candidates in the field standing upon four several interests,—General Gascoigne, upon that of the Corporation,—Mr. Canning upon the Tory Independent interest,—Mr. Brougham and Mr. Creevey, upon the Whig interest—and General Tarleton, upon such support as might remain to him among his former adherents.

Those who were acquainted with Liverpool well knew that the Whig Interest, at least in later times, had never returned even a single member but once, when Mr. Roscoe was chosen with General Gascoigne in 1806, the Grenville ministry being then in power; for though General Tarleton was commonly ranked as one of Mr. Fox's friends, he yet owed his seat as much to Tory support as to Whig, being chosen from local and personal connexion with the place. No one, therefore, at all acquainted with Liverpool politics, and whose judgment was left calm and unbiassed by the passing events, especially the late victory against the Orders in Council, had any very sanguine expectation that the Whig interest could defeat entirely all the Tory power, the Corporation interest, and the Government influence; and the total defeat of the opposition party seemed inevitable, unless one of their candidates should be withdrawn.

After the election had gone on for some days, the Tories who supported Mr. Canning, made a direct proposition for a junction with Mr. Brougham's party, on the footing of the former giving up General Gascoigne, and the latter withdrawing Mr. Creevey. But this proposal was rejected, neither Mr. Brougham nor Mr. Creevey giving any opinion upon the subject, nor

expressing any wish; except that the latter desired to be put wholly out of the question, the more especially as his seat was already secured by his being returned for Thetford. The proposition was rejected,* and the election was lost; General Gascoigne being then supported by Mr. Canning's friends, and returned along with him. Mr. Brougham was in consequence thrown out of Parliament, and no seat could be found for him among all the Whig boroughs, until, after an exclusion of three sessions, he was, by Lord Darlington's (Duke of Cleveland's) interest, at the request of his steady and faithful friend, Lord Grey, returned for Winchelsea, which he represented until 1830, when he was returned first for Knaresborough upon the Duke of Devonshire's interest, and then for Yorkshire upon his own.

The following speech was addressed to the people at Liverpool on the close of the poll, on the evening of the fourth day—being a very critical moment of the contest, and the night before the proposal above referred to came from the other party.

* It must be added that the offers of a large sum by Mr. B., when the subscriptions of his friends were on the same evening doubled, was also peremptorily rejected.

SPEECH AT THE

LIVERPOOL ELECTION.

October 8, 1812.

Gentlemen,— I feel it necessary after the fatigues of this long and anxious day, to entreat, as I did on a former occasion, that you would have the goodness to favour me with as silent a hearing as possible, lest I should by over-exertion in my present exhausted state, destroy that voice which I hope I may preserve to raise in your defence once more hereafter.

Gentlemen, I told you last night when we were near the head of the poll, that I, for one at least, would never lose heart in the conflict, or lower my courage in fighting your battles, or despair of the good cause although we should be fifty, a hundred, or even two hundred behind our enemies. It has happened this day, that we have fallen short of them, not quite by two hundred, but we have lost one hundred and seventy votes: I tell you this with the deepest concern, with feelings of pain and sorrow which I dare not trust myself in attempting to express. But I tell it you without any sensation approaching to despondency. This is the only feeling which I have not now present in my breast. I am overcome with your unutterable affection towards me and my cause. I feel a wonder mingled with gratitude, which no language can even attempt to describe, at your faithful, unwearied, untameable exertions in behalf of our common object. I am penetrated with an anxiety for its success, if possible

more lively than any of yourselves can know who are my followers in this mighty struggle — an anxiety cruelly increased by that which as yet you are ignorant of, though you are this night to hear it. To my distinguished friends who surround me, and connect me more closely with you, I am thankful beyond all expression. I am lost in admiration of the honest and courageous men amongst you who have resisted all threats as well as all bribes, and persevered in giving me their free unbought voices. For those unhappy persons who have been scared by imminent fear on their own and their children's behalf from obeying the impulse of their conscience, I feel nothing of resentment—nothing but pity and compassion. Of those who have thus opposed us, I think as charitably as a man can think in such circumstances. For this great town (if it is indeed to be defeated in the contest, which I will not venture to suppose) for the country at large whose cause we are upholding — whose fight we are fighting—for the whole manufacturing and trading interests—for all who love peace—all who have no profit in war—I feel moved by the deepest alarm lest our grand attempt may not prosper. All these feelings are in my heart at this moment—they are various—they are conflicting—they are painful—they are burthensome — but they are not overwhelming! and amongst them all, and I have swept round the whole range of which the human mind is susceptible—there is not one that bears the slightest resemblance to despair. I trust myself once more into your faithful hands—I fling myself again on you for protection—I call aloud to you to bear your own cause in your hearts —I implore of you to come forth in your own defence —for the sake of this vast town and its people—for the salvation of the middle and lower orders—for the whole industrious part of the whole country—I entreat you by your love of peace—by your hatred of oppression —by your weariness of burthensome and useless taxa-

tion—by yet another appeal to which those must lend an ear who have been deaf to all the rest—I ask it for your families—for your infants—if you would avoid such a winter of horrors as the last! It is coming fast upon us—already it is near at hand—yet a few short weeks and we may be in the midst of those unspeakable miseries, the recollection of which now rends your very souls. If there is one freeman amongst this immense multitude who has not tendered his voice,—and if he can be deaf to this appeal,—if he can suffer the threats of our antagonists to frighten him away from the recollections of the last dismal winter,—that man will not vote for me. But if I have the happiness of addressing one honest man amongst you, who has a care left for his wife and children, or for other endearing ties of domestic tenderness (and which of us is altogether without them?) that man will lay his hand on his heart when I now bid him do so,—and with those little threats of present spite ringing in his ear, he will rather consult his fears of greater evil by listening to the dictates of his heart, when he casts a look towards the dreadful season through which he lately passed—and will come bravely forward to place those men in Parliament whose whole efforts have been directed towards the restoration of peace, and the revival of trade.

Do not, gentlemen, listen to those who tell you the cause of freedom is desperate;—they are the enemies of that cause and of you,—but listen to me,—for you know me,—and I am one who has never yet deceived you,—I say, then, that *it will be* desperate if you make no exertions to retrieve it. I tell you that your languor alone can betray it,—that it can only be made desperate through your despair. I am not a man to be cast down by temporary reverses, let them come upon me as thick, and as swift, and as sudden as they may. I am not he who is daunted by

majorities in the outset of a struggle for worthy objects,—else I should not now stand here before you to boast of triumphs won in your cause. If your champions had yielded to the force of numbers,—of gold—of power—if defeat could have dismayed them —then would the African Slave Trade never have been abolished—then would the cause of Reform, which now bids fair to prevail over its enemies, have been long ago sunk amidst the desertions of its friends,—then would those prospects of peace have been utterly benighted, which I still devoutly cherish, and which even now brighten in our eyes,—then would the Orders in Council which I overthrew by your support, have remained a disgrace to the British name, and an eternal obstacle to our best interests. I no more despond now than I have done in the course of those sacred and glorious contentions,—but it is for you to say whether to-morrow shall not make it my duty to despair. To-morrow is your last day,—your last efforts must then be made;—if you put forth your strength the day is your own—if you desert me, it is lost. To win it I shall be the first to lead you on, and the last to forsake you.

Gentlemen, when I told you a little while ago that there were new and powerful reasons to-day for ardently desiring that our cause might succeed, I did not sport with you,—yourselves shall now judge of them. I ask you,—Is the trade with America of any importance to this great and thickly peopled town? (cries of Yes! yes!) Is a continuance of the rupture with America likely to destroy that trade? (loud cries of, It is! it is!) Is there any man who would deeply feel it, if he heard that the rupture was at length converted into open war? Is there a man present who would not be somewhat alarmed if he supposed that we should have another year without the American trade? Is there any one of nerves so hardy, as calmly to hear that our government have given up all

negotiation—abandoned all hopes of speedy peace with America? Then I tell that man to brace up his nerves,—I bid you all be prepared to hear what touches you all equally. We are by this day's intelligence at war with America in good earnest,—our government have at length issued letters of marque and reprisal against the United States (*universal cries of, God help us! God help us!*) Aye, God help us! God of his infinite compassion take pity on us! God help and protect this poor town,—and this whole trading country!

Now, I ask you whether you will be represented in parliament by the men who have brought this grievous calamity on your heads, or by those who have constantly opposed the mad career which was plunging us into it? Whether will you trust the revival of your trade—the restoration of your livelihood—to them who have destroyed it, or to me whose counsels,* if followed in time, would have averted this unnatural war, and left Liverpool flourishing in opulence and peace? Make your choice,—for it lies with yourselves which of us shall be commissioned to bring back commerce and plenty,—they whose stubborn infatuation has chased those blessings away,—or we, who are only known to you as the strenuous enemies of their miserable policy, the fast friends of your best interests.

* He had, indeed, not confined himself to counsels and debate. In accordance with his professions made repeatedly in the controversy on the Orders in Council, that it never should by him be made a party question; and, in compliance with the wishes of some of his principal supporters, who, as well as Mr. Baring, had entertained hopes, that his undertaking the negotiation with America, after the defeat of those fatal measures, would prove advantageous to peace, he had offered to proceed thither during the recess—of course without costing the country anything beyond the expenses of himself and a single servant. The proposal was very courteously declined by Lord Castlereagh, who acknowledged it to be an honourable fulfilment of his professions above referred to. Mr. B. was wont to cite on this subject the celebrated passage in Demosthenes:—*Ουκ ειπον μεν ταυτα, ουκ εγραψα δε, ουδ εγραψα μεν ουκ επρεσβευσα δε*—κ. τ. λ.

Gentlemen, I stand up in this contest against the friends and followers of Mr. Pitt, or, as they partially designate him, the immortal statesman now no more. Immortal in the miseries of his devoted country! Immortal in the wounds of her bleeding liberties! Immortal in the cruel wars which sprang from his cold miscalculating ambition! Immortal in the intolerable taxes, the countless loads of debt which these wars have flung upon us—which the youngest man amongst us will not live to see the end of! Immortal in the triumphs of our enemies, and the ruin of our allies, the costly purchase of so much blood and treasure! Immortal in the afflictions of England, and the humiliation of her friends, through the whole results of his twenty years' reign, from the first rays of favour with which a delighted Court gilded his early apostacy, to the deadly glare which is at this instant cast upon his name by the burning metropolis of our last ally!* But may no such immortality ever fall to my lot—let me rather live innocent and inglorious; and when at last I cease to serve you, and to feel for your wrongs, may I have an humble monument in some nameless stone, to tell that beneath it there rests from his labours in your service, "*an adversary of the immortal statesman—a friend of peace and of the people.*"

Friends! you must now judge for yourselves, and act accordingly. Against us and against you stand those who call themselves the successors of that man. They are the heirs of his policy; and if not of his immortality too, it is only because their talents for the work of destruction are less transcendent than his. They are his surviving colleagues. His fury survives in them, if not his fire; and they partake of all his infatuated principles, if they have lost the genius that first made those principles triumphant. If you choose

* The news of the burning of Moscow had arrived by that day's post.

them for your delegates, you know to what policy you lend your sanction—what men you exalt to power. Should you prefer me, your choice falls upon one who, if obscure and unambitious, will at least give his own age no reason to fear him, or posterity to curse him—one whose proudest ambition it is to be deemed the friend of Liberty and of Peace.

SPEECH

ON

LAYING THE FOUNDATION STONE

OF THE

LIVERPOOL MECHANICS' INSTITUTE.

SPEECH ON

LAYING THE FOUNDATION STONE

OF THE

MECHANICS' INSTITUTE.*

LIVERPOOL—JULY 20, 1835.

GENTLEMEN,—I should atttempt a vain task if I endeavoured to express my deep and grateful sense of the singular kindness with which you have received me to-day, as you have done on so many former occasions. It has been to me a truly gratifying circumstance that I have had the opportunity, at length, of performing a promise which various accidents had prevented me from fulfilling, made some year or two ago, of revisiting this place, for the purpose of observing more closely its Institutions connected with Education. I have been enabled to pay this long-deferred visit, and to be present at the highly interesting solemnity at which I believe all of us, all at least who are in the lowest and in the highest portions† of this immense assembly, with the exception, perhaps, of the middle and more interesting part of it,‡ have assisted, and assisted with the same feelings of satisfaction which the occasion has inspired in me,—I mean the laying of the Foundation Stone of a most important, and, as I trust it is fated to be, a lasting and a flourishing Institution. It is indeed impossible to consider, without sentiments of the most animating description, the occasion which

* This great assembly was held in the large theatre; the pit being with the stage arranged for the dinner, the boxes filled with ladies, and the galleries with other spectators.

† The pit and gallery.

‡ The ladies in the boxes.

drew us together in the morning, and which is connected, at least in some degree, with the assembly of this evening; for I have no hesitation in saying, that of all the improvements which have been made of late years in the condition of the people of this country, the diffusion of knowledge, both in science and in the other principles of their art, amongst the industrious portion of the middle classes, to whose use Mechanics' Institutions are more especially devoted, stands in the first rank amongst the very foremost. These Institutions have spread within the last ten or twelve years prodigiously over the country. But they did not originate ten or twelve years ago. Strict justice requires me to remind you that a much earlier date is to be taken as the origin of these useful establishments; for, though the London Mechanics' Institution was established in 1824, principally through the efforts of its chief founder and most munificent patron, Dr. Birkbeck, he had, twenty-four years before, established the earliest real Mechanics' Institution in the city of Glasgow, where he first gave scientific lectures to humble artizans. Some have doubted whether he were the first that suggested the Institution of London; some have claimed to share with him the praise of executing that great design; but be it that he had coadjutors in planning, as it is certain he had in executing it, I care not,—for he was only taking a leaf out of his own book, twenty-four years old, which I have in my possession, printed at Glasgow in the year 1800, and in which there is a proposal of the first course of lectures on subjects of science, which ever any man of science delivered to the mere men of art. Having stopped, therefore, to render this debt of gratitude, or rather of strict justice, as I never fail to do as often as I attend meetings connected with the Education of the Working Classes,—as often, especially, as I attend meetings of Mechanics' Institutions, —I will proceed to add that his great merit does

not eclipse that of his associates, and, therefore, ought not to erase from our minds the gratitude due to those who have helped him in the good work, and are following his bright example. In London he had coadjutors at the establishment of the first Mechanics' Institution; in Manchester, Sheffield, Leeds, Birmingham, and most of the manufacturing towns, he has had followers; and, thank God, many more are rising still from day to day, extending the system, and spreading its benefits still more widely. I will venture to say, however, that of all the instances in which his name has been commemorated with honour, there is none which will afford him such heartfelt satisfaction, as the reception you have now given to the mention of it, because he is your neighbour, and all but born and bred in the county palatine of Lancaster.*

And now, gentlemen, I hope and trust that those who assisted this morning at the solemnity of laying the Foundation Stone, and those who are here this evening, will remember that we are celebrating a festival, in part, at least, connected with the Institution,—the festival of Education, the festival of Popular Improvement, and of Public Virtue, which is intimately connected with general instruction, and which cannot rest on any basis so sound as that of a scientific, moral, and religious education.—I name these three branches in the inverse order of their importance;—and moreover, because this is the festival of Education, public improvement, and public virtue, it is the festival also of peace and good-will to mankind. This is the festival of the arts of peace at home, as rising proudly above all the arts of the seditious, the factious, the incendiary, and the destructive,—the festival of that greatest of public blessings, after internal tranquillity, I mean peace with all the world; peace with America,

* Dr. Birkbeck's most respectable family has long been established at Settle, in Yorkshire.

our kinsmen; peace in Ireland, our sister country; peace with the great and enlightened, and, I thank God, now the *free* people of France, our nearest neighbour, and, therefore, even as our sordid interests are concerned, our best customer and best market, if nations were but wise, and their Government and our Government would only learn that the nearest neighbours are the most profitable customers one to another. This is the kind of festival which, as connected with the morning's operations, we are this evening met to celebrate; and there must further be added, not the least of the other accompaniments of the toast which you have been pleased so kindly to receive as connected with my name,—the great corollary of Education, its precious fruit, the blessing of Civil and Religious Liberty. On such an occasion, therefore, I need only remind those who were present this morning, and you who are here now, that there is no duty more sacred, none which presses more upon your attention, or better deserves your strictest performance at the present time, than to give your hearty, effectual, and speedy encouragement to the great Institution which we were earlier in the day met to establish. I am happy to inform you that an admirable beginning has been made by a friend, who conceals his name under the three last letters of the alphabet, but whose praise I could not sufficiently speak if I were to take all the letters of the alphabet, and put them into any form of words into which they could be combined. That friend has sent no less than the sum of £100 for the purposes of this Institution.

Here, then, gentlemen, I might, perhaps, take my leave of you, having drawn your attention to what is really the principal subject of our present consideration; but one or two things press so strongly on my mind, and left so lively an impression upon it this morning, that I cannot but detain you a little longer to express the feelings which I have been filled with. In the first

place, then, having come for the first time in my life, on the magnificent work which unites Manchester with Liverpool, and which, as it were by a miraculous interposition of human art, under the blessing of Divine Providence, has overcome the distance of space that separates the two towns, and has brought Manchester close upon her great outlet to the commerce of the world, I have not been able to keep my mind from the contemplation of the subjects which that short journey, though over a long distance, forced upon my attention. I reminded you this morning that all this was owing to a mechanic, who had received a good education, that it was all derived from his happy application of the principles of science, which that education had implanted deeply in his mind, to the improvement of the arts. But another thought struck me, to which I cannot avoid giving utterance, and which I did express to those friends who accompanied me on the journey. When I saw the difficulties of space and time, as it were overcome,—when I beheld a kind of miracle exhibited before my astonished eyes,—when I surveyed mosses pierced through on which it was before hardly possible for man or beast to plant the sole of the foot, and now covered with a road and bearing heavy waggons, laden not only with innumerable passengers, but with merchandise of the largest bulk and heaviest weight,—when I saw valleys made practicable by the bridges of ample height and length which spanned them,—saw the steam railway traversing the surface of the water at a distance of sixty or seventy feet in perpendicular height,—saw the rocks excavated, and the gigantic power of man penetrating through miles of the solid mass, and gaining a great, a lasting, an almost perennial conquest over the powers of nature by his skill and his industry,—when I contemplated all this, was it possible for me to avoid the reflections which crowded into my mind,—not in praise of man's great deeds—not in admiration of the genius and per-

severance which he had displayed, or even of the courage which he had shown in setting himself against the obstacles that matter had opposed to his course,—no, but the melancholy reflection that whilst all these prodigious efforts of the human race, so fruitful of praise, but so much more fruitful in lasting blessings to mankind, and which never could have forced a tear from any eye, but for that unhappy casualty which deprived me of a friend and you of a representative,* a cause of mourning which there began and there ended; when I reflected that this peaceful, and guiltless, and useful triumph over the elements and over nature herself, had cost a million only of money, whilst 1,500 millions had been squandered on cruelty and crime,—in naturalizing barbarism over the world,—shrouding the nations in darkness,—making bloodshed tinge the earth of every country under the sun,—in one horrid and comprehensive word, squandered on WAR,—the greatest curse of the human race, and the greatest crime, because it involves every other crime within its execrable name, and all with the wretched, and, thank God, I may now say, the utterly frustrated,—as it always was the utterly vain,—attempt to crush the liberties of the people. I look backwards with shame—with regret unspeakable,—with indignation to which I should in vain attempt to give utterance,—upon that course of policy which we are now happily too well informed and too well intentioned ever to allow again whilst we live,—when I think that if 100, and but 100 of those 1,500 millions, had been employed in promoting the arts of peace, and the progress of civilization, and of wealth, and prosperity amongst us, instead of that other employment which is too hateful to think of, and almost now-a-days too disgusting to speak of (and I hope to live to see the day when such things will be incredible,—when looking back we shall

* Mr. Huskisson's death in 1830, on the opening of the railway.

find it impossible to believe they ever happened)—instead of being burthened with 800 millions of debt, borrowed after spending 700 millions, borrowed when we had no more to spend,—we should have seen the whole country covered with such works as now unite Manchester and Liverpool, and should have enjoyed peace uninterrupted during the last forty years, with all the blessings which an industrious and a virtuous people deserve, and which peace profusely sheds upon their lot.

Gentlemen, I have not only seen your railway, and drawn my moral from that, but I have seen Liverpool, and, though I was here for a morning five years ago, —the day the railway was opened,—and saw then the important improvements made during the interval which separated that from my former visit; yet I never come, and never shall come, however short the interval, without seeing astonishing proofs of the progress this great town is making. To go no farther, I went to the docks, and I believe all Europe does not present a more interesting spectacle than the line ending with the new graving docks, all of which have been made since I was last here. Whilst contemplating these improvements, I was happy in considering that all is now taking the right course,—that instead of a gambling, speculative sort of trade, too generally driven by great seaports, and from which London itself is not exempt, there is in Liverpool a much more healthy, and a much more moderate, I mean a more secure, more extensive, and unquestionably a more beneficial trade for the prosperity of the country at large. But, gentlemen, there was one change, one prodigious improvement which I saw most strikingly exemplified, and there is not any which does greater honour to the name of any community under the canopy of heaven, than the commercial revolution to which I allude. I was taken to a vessel lying in one of those docks. It had once been a slave ship. It

was the only slave ship I ever beheld, often as these dreadful vessels of wrath had been present to my imagination. This ship had been captured by a King's cruiser in the South American seas. It had been filled with pirates. I grieve to say three of those pirates were Englishmen; I grieve yet more to say that the captain was himself of our nation. There had been 750 wretched slaves in a vessel of 300 tons burthen, and there had been to keep them in order, beside the chains, 75 ruffians,—pirates,—slave dealers. I know that thirty or forty years ago I durst as soon have cut off my right hand, or had the tongue I speak with burned out of my head, as uttered what I have uttered to you this instant. And I'll venture to say that there is not one man who now hears me, but cordially exults in the sentiment I am about to express,—Blessed be God that we have lived to see the day when this hellish traffic is declared to be piracy by law, as it in all times was in its own nature! The English captain of this slaver died on the spot, pierced with many wounds, after behaving with a bravery worthy of a better cause; but the other three Englishmen who degraded themselves by engaging in this horrid crime, are now in a dungeon, about to suffer the capital punishment due to their guilt.* There are many instances of nations having, in the slow course of ages, improved their opinions, mended their habits, bettered their morals, left vicious and taken to virtuous courses; but Liverpool is the only community which, within the memory of one generation of short-lived men, has exhibited this moral miracle, and abandoned a gainful, because it was a guilty commerce.

[After showing that he had supported the same measure in and out of office, and refuting the accusations brought against him, he continued:—] To one

* Slave trading, which Lord Brougham's act of 1811 had made felony, and punished with transportation, was in 1821 made capital; but afterwards, in 1838, transportable.

charge, however, which they bring against me, I must, no doubt of it, plead guilty,—I have not found favour with the courtiers, and I am no longer in office. My political habits; my principles; my popular feelings; the perpetual struggle of my life for the rights of my fellow-citizens; the determination which guides my public conduct that the interests of the people shall be the sole rule of the government; above all, my fixed and unalterable resolution that the Reform Bill shall bear its natural fruits, by giving this country at length a really cheap government, without which it is a useless and barren stock;—all these things are the worst of crimes in the eyes of a court, and the result of them is, that I now meet my fellow-citizens in a private station, and absolutely independent in the performance of all my duties. Nor do I boast of having made any great sacrifice.

If it were not somewhat late in the day for moralizing, I could tell of the prerogatives, not so very high, the enjoyments, none of the sweetest, which he loses who surrenders place, oftentimes misnamed power. To be responsible for measures which others control, perchance contrive; to be chargeable with leaving undone things which he ought to have done, and had all the desire to do, without the power of doing; to be compelled to trust those whom he knew to be utterly untrustworthy, and on the most momentous occasions, involving the interests of millions; implicitly to confide in quarters where common prudence forbade reposing a common confidence; to have schemes of the wisest, the most profound policy, judged and decided on by the most ignorant and the most frivolous of human beings, and the most generous aspirations of the heart for the happiness of his species, chilled by frowns of the most selfish and sordid of the race:—these are among the unenviable prerogatives of place,—of what is falsely called power in this country; and yet I doubt if there be not others less enviable still. To be

planted upon the eminence from whence he must see the baser features of human nature uncovered and deformed; witness the attitude of climbing ambition from a point whence it is only viewed as creeping and crawling, tortuous and venomous, in its hateful path; be forced to see the hideous sight of a naked human heart, whether throbbing in the bosom of the great vulgar or of the little,—this is not a very pleasing occupation for any one who loves his fellow-creatures, and would fain esteem them; and, trust me, that he who wields power and patronage for but a little month, shall find the many he may try to serve furiously hating him for involuntary failure, while the few whom he may succeed in helping to the object of all their wishes, shall, with a preposterous pride (the most unamiable part of the British character), seek to prove their independence, by showing their ingratitude, if they do not try to cancel the obligation, by fastening a quarrel upon him. Yet to even all this I might have reconciled myself, from a desire to further great measures, and from the pleasure which excitement gives to active minds, or, if you will, from the glory which inspires ambitious notions among statesmen as well as conquerors. But worse to be endured than all, was the fetter and the cramp imposed on one used to independence,—the being buried while yet alive to the people's condition and claims—buried in the House of Form and Etiquette, appointed for all ministers. Who, then, can marvel at the exultation which I feel to shake and to brace every fibre of my frame, when casting off these trammels, bursting through the cerements of that tomb, I start into new life, and resume my position in the van of my countrymen, struggling for their rights, and moving onwards in the accelerated progress of improvement with a boundless might and a resistless fury, which prostrates in the dust all the puny obstacles that can be raised by the tyranny of courts and their intrigues, the persecution of bigots

and their cunning, the sordid plots of greedy monopolists, whether privileged companies, or overgrown establishments, or corrupt municipalities? In this proud position I am now placed; and I have no desire at all to leave it. I am once more absolutely free, the slave of no party, at the mercy of no court intrigue, in the service of my country, and of that only master. Firm on this vantage ground, it must indeed be an honest government, and a strong one, a government which promises much for the people, and is capable of accomplishing much of what it promises, that can ever tempt me to abandon my independence in the front of my countrymen, and enlist with any ministry whatever.

Let us, as well we may, heartily rejoice in the magnificent prospect which now lies before us of good government, general improvement in virtue, and the attainment of national prosperity through the restoration of the people's most unquestioned right, a cheap administration of their affairs, a substantial, effectual relief of their heavy burthens. The enemies of improvement have, indeed, of late years, confessed by their conduct the hopelessness of any further attempt to obstruct its progress; they have bent before the wave, from fear of being swept away by it; and they now have recourse to sneers and jibes at the instruction of the people. We are called schoolmasters,—a title in which I glory, and never shall feel shame. Our Penny Science* is ridiculed by those who have many pence and little knowledge. Our lectures are laughed at, as delivered to groups of what those ignorant people in fine linen and gaudy attire call,

* Referring to the publications of the Useful Knowledge Society, founded by Lord Brougham in 1827, and incorporated by charter in 1831. The treatises and other works of the Society had an immense circulation. 40,000 of some were sold; of one above 200,000 weekly. The Society never received, nor did it require, any aid whatever from the State, nor did any of the many Mechanics' Institutes established since 1824.

after the poet, "lean unwashed artificers,"—a class of men that should be respected, not derided by those who, were they reduced to work for their bread, would envy the skill of the men they now look down upon. Let such proud creatures enjoy the fancied triumph of their wit; we care not for their light artillery (if, indeed, their heavy jests can be so termed), half so much as we did for their serious opposition. If they are much amused with our Penny Sciences, I hope before long to see them laugh twice as much at our Penny Politics; because, when the abominable taxes upon the knowledge which most concerns the people are removed—I mean the newspaper stamp—we shall have a universal diffusion of sound political knowledge among all classes of the community; and if lectures divert them so mightily now, I can tell them that preparation is making for affording them much more entertainment in the same kind by a very ample extension of the present system of lecturing, and by including Politics in the course!

But there is nothing which these adversaries of improvement are more wont to make themselves merry with, than what is termed the "*march of intellect*;" and here I will confess that I think, as far as the phrase goes, they are in the right. It is a very absurd, because a very incorrect expression. It is little calculated to describe the operation in question. It does not picture an image at all resembling the proceedings of the true friends of mankind. It much more resembles the progress of the enemy to all improvement. The conqueror moves in a march. He stalks onward with the "pride, pomp, and circumstance of war," banners flying, shouts rending the air, guns thundering, and martial music pealing, to drown the shrieks of the wounded and the lamentations for the slain. Not thus the schoolmaster in his peaceful vocation. He meditates and prepares in secret the plans which are to bless mankind; he slowly gathers round him those

who are to further their execution; he quietly, though firmly, advances in his humble path, labouring steadily, but calmly, till he has opened to the light all the recesses of ignorance, and torn up by the roots the weeds of vice. His is a progress not to be compared with anything like a march; but it leads to a far more brilliant triumph, and to laurels more imperishable than the destroyer of his species, the scourge of the world, ever won.

Such men,—men deserving the glorious title of Teachers of Mankind, I have found labouring conscientiously, though perhaps obscurely, in their blessed vocation, wherever I have gone. I have found them, and shared their fellowship, among the daring, the ambitious, the ardent, the indomitably active French; I have found them among the persevering, resolute, industrious Swiss; I have found them among the laborious, the warm-hearted, the enthusiastic Germans; I have found them among the high-minded but enslaved Italians; and in our own country, God be thanked, their numbers everywhere abound, and are every day increasing. Their calling is high and holy; their fame is the property of nations; their renown will fill the earth in after ages, in proportion as it sounds not far off in their own times. Each one of these great teachers of the world, possessing his soul in peace—performs his appointed course—awaits in patience the fulfilment of the promises—resting from his labours, bequeathes his memory to the generation whom his works have blessed—and sleeps under the humble, but not inglorious epitaph, commemorating "one in whom mankind lost a friend, and no man got rid of an enemy!"

SPEECH

ON

THE SLAVE TRADE.

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HOUSE OF COMMONS—JUNE 14, 1810.

SIR,—I rise, pursuant to notice, to call the attention of the House to the state of the Slave Trade, a subject of the first importance; and, although it is neither a personal question, nor a party one; although its discussion involves neither the pursuit nor the defence of place; although, indeed, it touches matters of no higher concernment than the honour of the House and the country, and the interests of humanity at large; I trust that it will, nevertheless, receive the same favourable consideration which it has so often experienced upon former occasions. The question I purpose to submit to the House is, Whether any, and what measures can be adopted, in order to watch over the execution of the sentence of condemnation which Parliament has, with a singular unanimity, pronounced upon the African Slave Trade? It is now four years since Mr. Fox made his last motion in this House, and, I believe, his last speech here, in favour of the Abolition. He then proposed a Resolution, pledging the House to the Abolition of the traffic, and moved an address to the Crown, beseeching his Majesty to use all his endeavours for obtaining the concurrence of other Powers in the pursuit of this great object. An address to the same effect was voted by the other House, with equal unanimity; and, early in the next year, two noble friends of mine,* who were second only to my honour-

* Lords Grenville and Grey.

able friend,* prevented by indisposition from attending this day, in their services to the cause, and will yield not even to him in their zeal for its success, gave the Parliament an opportunity for redeeming its pledge, by introducing the Abolition Bills in the two Houses. That measure, which had formerly met so many obstacles, whether, as some are willing to believe, from the slowness with which truth works its way, or, as others were prone to suspect, from the want of zeal in its official supporters, now experienced none of the impediments that had hitherto retarded its progress. Far from encountering any formidable difficulties, it passed through Parliament almost without opposition; and one of the greatest and most disputed of measures was at length carried by larger majorities, perhaps, than were ever known to divide upon any contested question. The friends of the Abolition, however, never expected that any legislative measure would at once destroy the Slave Trade: they were aware how obstinately such a trade would cling to the soil where it had taken root; they anticipated the difficulties of extirpating a traffic which had entwined itself with so many interests, prejudices, and passions. But I must admit, that although they had foreseen, they had considerably underrated, those difficulties. They had not made sufficient allowance for the resistance which the real interests of those directly engaged in the trade, and the supposed interests of the colonists, would oppose to the execution of the acts: they had underrated the wickedness of the Slave Trader, and the infatuation of the planter. While on the one hand it appears, from the documents I formerly moved for, that nothing has been done to circumscribe the foreign Slave Trade, it is now found, that this abominable commerce has not completely ceased, even in this country! I hope the House will favour me with its attention, while, from

* Mr. Wilberforce.

the papers on the table, and from such other information as I have been enabled to obtain, I lay before it a statement which will, in some measure, enable it to appreciate the extent of the evil, and to apply the proper remedies.

I shall now proceed to call the attention of the House to the state of the Slave Trade in foreign countries. In these it exists variously. In America it is contraband, as in England, having been prohibited by law, but it is still carried on, illegally, for the supply of the American as well as of foreign plantations: while, in the colonies of Portugal and Spain, it is still sanctioned by the laws, and even receives peculiar encouragement from the government. The extent of the Spanish Slave Trade I cannot state very accurately; but, from returns at the custom-house at Cadiz, to which I have had access, and from the well known increase of the sugar culture in Cuba, the importation of negroes appears to be very great. The average annual importation into that island, during thirteen years, from 1789 to 1803, was 5,840; and it is evidently upon the increase, for the average of the last four years of the period was 8,600: the total number imported during the period exceeded 76,000 slaves. This statement, among other things, proves how much the American flag is used in covering the foreign Slave Trade; for, after the commencement of hostilities between Spain and this country, the trade could only have been carried on to a very limited extent in Spanish bottoms; and yet, instead of being checked by the war, it has greatly increased since 1795. The culture of sugar has likewise increased at Porto Rico, and on the Main, and with it, of course, the importation of slaves. The precise amount of this I cannot speak to; but I have every reason to suppose it very inconsiderable, when compared with the traffic in Cuba. The annual importation of Mexico does not exceed 100 negroes, and that of the settlements on the South Sea is only 500.

The other colonies obtain their supplies principally through the Brazils.

With regard to the Portuguese Slave Trade, I cannot speak with more precision. During my residence at Lisbon, in the King's service, I had official communication with the Portuguese Minister, and also with a person of high rank, who had been governor of the northern provinces of Brazil, and was then going out as governor of Angola and Benguela, upon the African coast. It appeared, from the returns of a capitation-tax on negroes exported from Africa (which gentlemen will perceive must give the lowest amount of the exportation), that there were annually sent to the Brazils, from that part of Africa alone, above 15,000 negroes; and this was reckoned only one-half of the total number exported from all parts of the Portuguese settlements. From another quarter of high authority, I learned that this, if estimated at 30,000, would not be overrated. But the branch of the trade which it is the most important to attend to at present, is that carried on by American vessels, in open violation of the laws of the United States. I firmly believe, as I have before stated, when the matter was questioned by the right honourable gentleman opposite,* that the American government has all along acted in regard to the Slave Trade, with the most perfect sincerity and good faith. They had, indeed, set us the example of abolishing it. All the States, except two, Georgia and South Carolina, had early abolished it by acts of their separate legislatures, before the period arrived when the Constitution gave Congress a right to pass such a law for the whole Union; and, as soon as that period arrived, viz., at the beginning of the year 1808, the traffic was finally prohibited by an act of Congress. But it is one thing to pass a law, and another to carry it into execution, as we have ourselves found on this

* Mr. Canning.

side of the water, I am sorry to think; and although the American legislature and the government have done all that lies in their power, it requires much greater naval means than they possess to suppress effectually their contraband Slave Trade. They may, in a great measure, by their police, prevent the importation of negroes into the United States; and this they have done: but the bulk of their contraband Slave Trade is carried on between Africa and the islands, or Africa and South America; and, to check this, a very different navy is wanted from any that the Americans (happily for this country, in every point of view, except the one now in question), are likely, for a long series of years, to possess. By such a contraband trade, the Spanish and Portuguese colonies, and not only they, but our own settlements, are supplied with slaves; and in this manner it is that the foreign Slave Trade interferes with our own Abolition.

What I intend to propose is, that the executive government shall be exhorted to take such further steps as may be conducive to the object of the joint Address of both branches of the legislature. Unless the American flag can, by some means or other, be excluded from its large share in this abominable commerce; and unless the Spanish and Portuguese governments can be brought to some concurrent arrangement; the trade must still be carried on to an enormous extent; and it is in vain to talk even of abolishing it entirely in our own colonies. Our largest island is within a day's, I should rather say, a night's, sail, of the largest slave colony of Spain. Our other old colonies lie in the very track both of the Spanish and American slave ships. When the vast plantations of Trinidad and Guiana are in such want of negroes to clear their waste lands, and are situated almost within sight of the Spanish slave market, where the law still sanctions that infernal traffic, how can it be expected that the British Abolition should be effectual?

A gentleman of the profession to which I have the honour of belonging, having lately returned from Berbice, informs me of the manner in which our planters carry on this contraband intercourse. The Oroonoko falls into the sea between Trinidad and Guiana. The Spanish slave ships take their station near its mouth, and our planters send large boats along the coast to the station of the ships, from whence they are supplied with cargoes of sixty or seventy negroes by trans-shipment at sea, and these cargoes they land on their return in the various creeks of the settlements, so as to elude the utmost vigilance of the colonial officers. Does not this single fact evince the necessity of forming some arrangement with the Spanish government, while the friendly relations between the two governments subsist? The great obstacle which I always find opposed to such a proposition is, What can we do? Those nations, it is pretended, are wedded to their own prejudices; they have views of their own, and we cannot interfere. Of this argument, I entertain very great suspicion, and for one plain reason, that it is on the single subject of the Abolition that I ever hear it used; it is here alone that any want of activity is ever observed in our Government, or that we ever hear of our want of influence in the councils of our neighbours. On all other measures, some of suspicious, some of doubtful policy—in matters indifferent, or repugnant to humanity—we are ready enough to intrigue, to fight, to pay. It is only when the interests of humanity are concerned, and ends the most justifiable, as well as expedient, are in view, that we not only all at once lose our activity and influence, but become quite forward in protesting that we have no power to interfere. From one end of Europe to the other our weight is felt, and in general it is no very popular thing to call it in question. At all times we are ready enough to use it, as well as to magnify it; but on this one occasion we become both

weak and diffident, and while we refuse to act, must needs make a boast of our impotency. Why, we never failed at all when the object was to obtain new colonies, and extend the Slave Trade! Then we could both conquer and treat; we had force enough to seize whole provinces where the Slave Trade might be planted, and skill enough to retain them by negotiation, in order to retain with them the additional commerce in slaves, which their cultivation required. It is natural, therefore, for me to view with some suspicion our uniform failure, when the object is to abolish or limit this same Slave Trade. I suspect it may arise from there being some similarity between our exertions in the cause and those of some of its official advocates in this House; that we have been very sincere, no doubt, but rather cold—without a particle of ill-will towards the Abolition, but without one spark of zeal in its favour.

I shall now answer the question of "What can we do to stop the foreign Slave Trade?" by putting another question; and I would ask, "How have we contrived to promote the Slave Trade, when that was our object?" I would only desire one-tenth part of the influence to be exerted in favour of the Abolition, which we have with such fatal success exerted in augmenting the Slave traffic; when, by our campaigns and our treaties, we acquired the dominion of boundless and desert regions, and then laid waste the villages and the fields of Africa, that our new forests might be cleared.

But if I be asked to what objects our influence should be directed, I have no hesitation in pointing them out: And, first, I should say, the Spanish and Portuguese governments. Happily, in those quarters where most is to be attempted, our influence is the greatest at the present moment; for both countries we have done much, and having lavished our blood and our treasure in defending them from cruelty,

injustice, and every form of ordinary oppression, it is certainly not asking too much to require that they should give over a course of iniquity towards nations as innocent as they, and infinitely more injured by them. Everything favours some arrangement with Spain on this point. The only Spanish colonies where the sugar cane is extensively cultivated are the islands, and of these principally Cuba. To that settlement the bulk of the Slave Trade is confined. On the mainland there is little demand for slaves; about 1,400 are annually sent to Buenos Ayres, 500 to Peru and Chili, and only 100 to Mexico, while Cuba receives 8,600 a-year. This, then, is the only Spanish colony which can suffer materially; and it is reasonable to expect that the Spanish government would not refuse this inconsiderable sacrifice. At any rate, some arrangement might be made both with Portugal and Spain, to prevent their flags from being used for the purposes of the foreign Slave Trade.

Adverting next to the means which we have of inducing the American government to make some arrangement, I admit that our influence in that quarter is not so powerful; but I would throw out one or two remarks for the consideration of ministers. First, an attempt ought to be made to supply the deficiency of naval resources in America, by lending the assistance of our own; and I should suggest the necessity of the two governments coming to some understanding, that the cruisers of each may capture the contraband slave ships of the other country. From communications which I have held with persons of high rank in the service of the United States, I have reason to think that such an arrangement would not be greatly objected to in America. An opening for a proposal of this nature is certainly afforded by the correspondence which has taken place between Mr. Erskine and the American government relative to the Orders in Council, and Non-Intercourse laws; for an assurance is there

given, that if a British cruiser capture an American found acting contrary to the American municipal law, the government of the United States will never notice the capture; and though there is an objection to recognizing by treaty the right of capture on the ground of the Non-Intercourse law, it by no means follows, that a similar recognition could not be obtained in the present instance. The right thus given must, no doubt, be mutual, but so is every right which this country claims under the law of nations; and it should be remembered that the two parties are very differently affected by it; for while the Americans could scarcely search or detain half a dozen of our slave vessels in a year, we should be enabled to stop hundreds of theirs. The advantage of such an arrangement to our own planters would also be great: for if rival foreigners carry on the Slave Trade while it is prohibited in our settlements, our planters are, for a certain time, at least, liable to be undersold in the sugar market, and subjected to a temporary pressure. Another circumstance with regard to American ships, I throw out for the consideration of merchants and cruisers. It appears to me, that even without any such arrangement between the two governments, the experiment of capturing American slave ships might safely be made. I have every reason to believe, that no reclamation whatever would be made by the American government if such vessels were detained, however great their numbers might be. A claim might no doubt be entered by individual owners, when the vessels were brought in for condemnation, and the courts of prize have been in the practice of saying, that they cannot take notice of the municipal laws of other countries. But, beside the great risk to which American owners expose themselves by making such claims (the risk of the penalties which they thereby prove themselves to have incurred under the Abolition Acts of America), it is to be observed that the courts require a proof of property in

the claimants; and I wish to see whether courts sitting and judging by the law of nations are prepared to admit of a property in human flesh.* I wish to know in what part of that law any such principle is recog-

* This opinion has since been fully confirmed by the decision of the Lords of Prize Appeal in the case of the Amédie, as appears by the following Report of the judgment of the Lords Commissioners of Prize Appeals, at the Privy Council, Saturday, July 28, 1810.

Case of the Amédie; James Johnson, master.—This was a vessel under American colours, with slaves from Africa, captured in December, 1807, in the West Indies, and carried into Tortola. The claimant pretended that she was bound to Charlestown, South Carolina, where the importation of slaves continued to be lawful to the end of that year; but that, having been detained on the coast, and there being no prospect of reaching Charlestown before the 1st of January, 1808, the period appointed for the cessation of the Slave Trade in every part of the United States, by a law of the general Congress, the Master of necessity bore away for the island of Cuba, there to wait directions from his owners. It was contended, on the other hand, by the captor, that this statement was a mere pretence, and that, in truth, the original plan of the voyage was a destination to Cuba, which was unlawful under the American laws, long previous to their general abolition of the Slave Trade. Admitting, however, the case to be so, it was strenuously contended for the claimant, that a British court of prize had no right to take any cognizance of American municipal law, and that, as no belligerent right of this country had been violated, the property ought to be restored to the neutral owner. A series of precedents seemed to support this doctrine. The ship was condemned at Tortola, and the enslaved Africans were, according to the Abolition Act, restored to their freedom; but the claimant appealed, and the liberty of the Africans, as well as the property of the ship, depended on the issue of this appeal. The case was solemnly argued in March last, and as, in the opinion of the court, it turned on the new question of the effect of the American and British Abolition Acts on this species of contraband commerce, when brought before a court of prize, the case, on account of its importance, has since stood over for judgment. Several other cases of American slave ships have also stood over, as depending on the same general question.—The judgment of the court was delivered by Sir William Grant, the Master of the Rolls, nearly in the following terms:—"This ship must be considered as being employed, at the time of capture, in carrying slaves from the coast of Africa to a Spanish colony. We think that this was evidently the original plan and purpose of the voyage, notwithstanding the pretence set up to veil the true intention. The claimant, however, who is an American, complains of the capture, and demands from us the restitution of property, of which he alleges that he has been unjustly dispossessed. In all the former cases of this kind, which have come before this court, the Slave Trade was liable to considerations very different from those which belong to it now. It had at that time been prohibited (as far as respected carrying slaves to the colonies of foreign nations) by America, but by our

nized. I desire to be informed where the decision or where the dictum is, which allows a person to bring forward a claim in a court of the law of nations, for the bodies of human beings forcibly and fraudulently obtained, or at all events carried away from their homes against their will, and by violence confined, and compelled to labour and suffer? What I am anxious to see is, how such a claim can be stated with common decency in such courts: I have no great fears as to the reception it would meet with: it is repugnant to the whole law of nature, and any knowledge of the law of nations which I possess affords me no authority for it. I earnestly hope some persons connected with privateers and cruisers may soon try the question. They could run no risk; I venture to assert on my own authority, and still more confidently on that of professional friends who frequent the prize courts, that no risk whatever of being condemned in costs could possibly be incurred,

own laws it was still allowed. It appeared to us, therefore, difficult to consider the prohibitory law of America in any other light than as one of those municipal regulations of a foreign state, of which this court could not take any cognizance. But by the alteration which has since taken place the question stands on different grounds, and is open to the application of very different principles. The Slave Trade has since been totally abolished in this country, and our legislature has pronounced it to be contrary to the principles of justice and humanity. Whatever we might think as individuals before, we could not, sitting as judges in a British court of justice, regard the trade in that light, while our own laws permitted it. But we can now assert, that this trade cannot, abstractedly speaking, have a legitimate existence. When I say abstractedly speaking, I mean this country has no right to control any foreign legislature that may think fit to dissent from this doctrine, and to permit to its own subjects the prosecution of this trade; but we have now a right to affirm, that *prima facie* the trade is illegal, and thus to throw on claimants the burden of proof that in respect of them, by the authority of their own laws, it is otherwise. As the case now stands, we think we are entitled to say that a claimant can have no right upon principles of universal law, to claim the restitution in a prize court, of human beings carried as his slaves. He must show some right that has been violated by the capture, some property of which he has been dispossessed, and to which he ought to be restored. In this case the laws of the claimant's country allow of no right of property of such as he claims. There can, therefore, be no right to restitution. The consequence is, that the judgment must be affirmed.

even if the vessels were restored. Without running any risk much good may thus be done: and I should feel satisfied that I have more than announced the ends I had in view when I began this discussion, if I could persuade myself that what I now say may lead any one to make this important trial.

Having hitherto only spoken of the foreign Slave Trade, it is with great mortification that I now feel myself obliged to call the attention of the House to the evasions of the Abolition Acts in this country. For accomplishing this detestable purpose, all the various expedients have been adopted which the perverse ingenuity of unprincipled avarice can suggest. Vessels are fitted out at Liverpool, as if for innocent commerce with Africa. The ships, and even the cargoes, are, for the most part, the same as those used in the trade of gold-dust, grains, and ivory. The goods peculiarly used in the Slave Trade are carefully concealed, so as to elude the reach of the port officers. The platforms and bulk-heads which distinguish slave ships are not fitted and fixed until the vessel gets to sea, and clears the channel, when the carpenters set to work, and adapt her for the reception of slaves. For better concealment, some of the sailors, and not unfrequently the master himself, are Portuguese. But it is remarkable that, lurking in some dark corner of the ship, is almost always to be found a hoary slave trader—an experienced captain, who, having been trained up in the slave business from his early years, now accompanies the vessel as a kind of supercargo, and helps her, by his wiles, both to escape detection and to push her iniquitous adventures. This is not a fanciful description. I hold in my hand the record of a court of justice, which throws so much light on the subject, that I moved, on a former night, to have it laid on the table. It appears from thence, that, but a few months ago, in the very river which washes the walls of this House, not two miles from the spot where we now sit, persons daring

to call themselves English merchants have been detected in the act of fitting out a vessel of great bulk for the purpose of tearing seven or eight hundred wretched beings from Africa, and carrying them through the unspeakable horrors of the middle passage to endless bondage and misery, and toil which knows no limits, nor is broken by any rest, in the sands and swamps of Brazil. This detection has been made by the zeal and knowledge of a much loved and respected friend of mine,* who was only enabled to pursue so difficult an investigation by that perfect acquaintance with the subject, which he has acquired by his residence in Africa as governor of Sierra Leone, and by having even submitted to the pain of a slave voyage, for the purpose of better learning the nature of the traffic.

I shall here read several extracts from the record of condemnation of the Comercio de Rio, in the Court of Exchequer last Hilary term. It appears, that besides an enormous stock of provisions, water-casks, mess-kits, &c., there were found on board fifty-five dozen of padlocks, ninety-three pair of handcuffs, a hundred and ninety-seven iron shackles for the feet, thirteen hundredweight three quarters of iron chains, one box of religious implements, and, that the bodily as well as the spiritual health of this human cargo might not be neglected, the slave merchants, out of their rare humanity—which one must really have known a good deal of the sort of character, easily to believe—allowed, for the medical wants of 800 negroes of all ages, crammed into a loathsome cage, and carried through new and perilous climates during a voyage of weeks, or even months—one little medicine chest, value £5. This is not the only instance of the kind, nor even the latest one, I grieve to say, recent though it be. I mentioned on a former night, that at one port of this

* Mr. Z. Macaulay.

country, six vessels have only just been fitted out, by a similar course of base fraud, for the same trade, or rather let me call it, the same series of detestable crimes.

It is now three years since that abominable traffic has ceased to be sanctioned by the law of the land; and, I thank God, I may therefore now indulge in expressing feelings towards it, which delicacy rather to the law than the traffic, might, before that period, have rendered it proper to suppress. After a long and most unaccountable silence of the law on this head, which seemed to protect, by permitting, or at least by not prohibiting the traffic, it has now spoken out, and the veil which it has appeared to interpose being now withdrawn, it is fit to let our indignation fall on those who still dare to trade in human flesh,—not merely for the frauds of common smugglers, but for engaging in crimes of the deepest dye; in crimes always most iniquitous, even when not illegal; but which now are as contrary to law as they have ever been to honesty and justice. I must protest loudly against the abuse of language, which allows such men to call themselves traders or merchants. It is not commerce but crime, that they are driving. I too well know, and too highly respect, that most honourable and useful pursuit, that commerce whose province it is to humanize and pacify the world—so alien in its nature to violence and fraud—so formed to flourish in peace and in honesty—so inseparably connected with freedom, and good-will, and fair dealing,—I deem too highly of it to endure that its name should, by a strange perversion, be prostituted to the use of men who live by treachery, rapine, torture, and murder, and are habitually practising the worst of crimes for the basest of purposes. When I say murder, I speak literally and advisedly. I mean to use no figurative phrase; and I know I am guilty of no exaggeration. I am speaking of the worst form of that crime. For ordinary murders there may even be some

excuse. Revenge may have arisen from the excess of feelings honourable in themselves. A murder of hatred, or cruelty, or mere blood-thirstiness, can only be imputed to a deprivation of reason. But here we have to do with cool, deliberate, mercenary murder, nay, worse than this; for the ruffians who go on the highway, or the pirates who infest the seas, at least expose their persons, and, by their courage, throw a kind of false glare over their crimes. But these wretches dare not do this. They employ others as base as themselves, only that they are less cowardly; they set on men to rob and kill, in whose spoils they are willing to share, though not in their dangers. Traders, or merchants, do they presume to call themselves! and in cities like London and Liverpool, the very creations of honest trade? I will give them the right name, at length, and call them cowardly suborners of piracy and mercenary murder! Seeing this determination, on the part of these infamous persons, to elude the Abolition Act, it is natural for me to ask, before I conclude, whether any means can be devised for its more effectual execution. I would suggest the propriety of obtaining from the Portuguese government, either in perpetuity or for a term of years, the island of Bissao, situated on the African coast, and the only foreign settlement in that quarter where our commerce chiefly lies. This cession would leave us a coast of five hundred miles' extent, wholly uninterrupted, and greatly facilitating the destruction of the Slave Traffic in that part of Africa. I would next remark, that the number of cruisers employed on the African coast is too scanty. It is thither, and not to America, that vessels intended to detect slave traders should be sent; because a slave ship must remain for some weeks on the coast to get in her cargo, whereas she could run into her port of destination in the West Indies in a night, and thus escape detection; yet, to watch a coast so extensive as the African, we had never above two, and now have only one, cruiser. I would

recommend, that the ships thus employed should be of a light construction and small draught of water, that they may cross the bars of the harbours, in order to follow the slave ships into the shallows and creeks, and up the mouths of rivers, and also that they should be well manned, and provided with boats, for the same purpose. It would be impossible to employ six or seven light ships better than on such a service. It is even more economical to employ a sufficient number; the occasion for them would, by this means, speedily cease. Once root out the trade, and there is little fear of its again springing up. The industry and capital required by it will find out other vents. The labour and ingenuity of the persons engaged in it will seek the different channels which will continue open. Some of them will naturally go on the highway, while others will betake themselves to piracy, and the law might, in due time, dispose of them.

But I should not do justice either to my own sentiments, or to the great cause which I am maintaining, were I to stop here. All the measures I have mentioned are mere expedients—mere makeshifts and palliatives, compared with the real and effectual remedy for this grand evil, which I have no hesitation in saying it is now full time to apply. I should, indeed, have been inclined to call the idea of stopping such a traffic by pecuniary penalties an absurdity and inconsistency, had it not been adopted by Parliament, and were I not also persuaded, that in such cases it is necessary to go on by steps, and often to do what we can, rather than attempt what we wish. Nevertheless, I must say, after the trial that has been given to the Abolition law, I am now prepared to go much farther, and to declare that the Slave trade should at once be made felony. When I consider how easily laws are passed, declaring those acts even capital offences, which have heretofore been either permitted, or slightly punished; when scarce a Session ends without some such extension of the crimi-

nal code; when even capital offences are among the most numerous progenies of our legislative labours; when I see the difficulty experienced by an honourable and learned friend of mine,* in doing away the capital part of the offence of stealing five shillings; when it is remembered that Lord Ellenborough, by one act created somewhere about a dozen capital felonies; when, in short, so many comparatively trivial offences are so severely visited; can one who knows what Slave trading means, hesitate in admitting that it ought at length to be punished as a crime? Adverting again to the record before mentioned, I find that the vessel, ready fitted out for the slave coast, has sold for about £11,000, including guns, tackle, cargo, and all; but making allowance for seamen's wages, wear, and tear, &c., I calculate the whole expense of carrying 800 slaves over to America at £20,000, and as they will sell for £100 a-head, the net profits would be near £60,000. Is this to be stopped by a pecuniary penalty? If one such speculation, in four or five, succeed, they are safe: there is even a temptation to engage in many speculations, because the adventurer thus insures against the risk of capture, and becomes his own underwriter against the chance of detection, which he could in no other way insure against. If an inhuman being of this class fit out ten or twelve such ships, and escape with three or four, his vile profits are enormous; but it should be recollected, that all his vessels, those which escape as well as those which are taken, spread devastation over the African continent; and even a single cargo is the utter ruin of whole villages. To this case, more than to any other that can be fancied, pecuniary checks are peculiarly inapplicable.—While you levy your pence, the wholesale dealers in blood and torture pocket their pounds, and laugh at your twopenny penalty.

* Sir Samuel Romilly.

I shall next advert to the 10th of Geo. II. for regulating watermen between Gravesend and Chelsea. If a person of this description carry above a certain number of persons, although no accident happen, he forfeits the use of the river; and if by accident any one be drowned, the boatman who so overloads is transported for seven years as a felon. How do we treat those who overload their vessels with miserable negroes, so as knowingly and wilfully to insure the death of many, and the torments of all? Why, the Slave Carrying Bill, which is somewhat similar to the statute of George II. in its object, does not even deprive such offenders of the use of the sea, which they have so perverted and polluted by their crimes; far less does it transport for seven years, even where the deaths of hundreds on board of such vessels happen not by accident, but as a necessary consequence of the overloading. I make no reflection on the statute of George II., but its provisions appear somewhat more applicable to the slave-trader, than to the boatman. What has the Divine Legislator said on this subject? There is a most false and unfounded notion, that the sacred writings are silent upon it; I shall prove the contrary. "Whosoever" (says the Scripture) "stealeth a man, and selleth him, or in whose hands he shall be found, shall surely be put to death." And what is our gloss or application of this divine text? "Whosoever" (says the English law) "stealeth a man, and tortureth him, and killeth him, or selleth him into slavery for all the days of his life, shall surely—pay twenty pounds!" I trust that this grievous incongruity will at length be done away, and I now pledge myself to bring in a bill to that effect early in the ensuing session; but I earnestly hope, that in the meantime the House will leave nothing unattempted which may tend to diminish the great evils complained of, and give effect to one of the most holy of our laws.

I move, "That an humble Address be presented to

his Majesty, representing to his Majesty, that this House has taken into its serious consideration the papers which his Majesty was graciously pleased to cause to be laid before this House upon the subject of the African Slave Trade.—That while this House acknowledges with gratitude the endeavours which his Majesty has been pleased to use, in compliance with the wishes of Parliament, to induce foreign nations to concur in relinquishing that disgraceful commerce, this House has to express its deep regret that those efforts have been attended with so little success.—That this House does most earnestly beseech his Majesty to persevere in those measures which may tend to induce his allies, and such other foreign states as he may be able to negotiate with, to co-operate with this country in a general Abolition of the Slave Trade, and to concur in the adoption of such measures as may assist in the effectual execution of the laws already passed for that purpose.—That this House has learnt with the greatest surprise and indignation, that certain persons in this country have not scrupled to continue in a clandestine and fraudulent manner the detestable traffic in slaves. —And that this House does most humbly pray his Majesty that he will be graciously pleased to cause to be given to the commanders of his Majesty's ships and vessels of war, the officers of his Majesty's customs, and the other persons in his Majesty's service, whose situation enables them to detect and suppress these abuses, such orders as may effectually check practices equally contemptuous to the authority of Parliament and derogatory to the interests and the honour of the country."

Mr. Brougham, following up the resolution and address adopted unanimously by the Commons, 14th June, 1810, next session brought in and carried without a dissenting voice, through both Houses of Parliament, the bill declaring Slave trading a Felony, and punishing it with fourteen years' transportation, or

imprisonment for five years. In 1824, this punishment was deemed insufficient; the offence was made capital, and so continued until the acts for mitigating the rigour of the criminal law, in 1837, made Slave trading punishable with transportation for life. There is every reason to think that no British subjects are now or have for many years been directly engaged in this execrable traffic, with the exception of those belonging to the Mauritius. In that island it is certain, that with the connivance, if not under the direct encouragement of the higher authorities of the colony, Slave trading to an enormous extent, was for some years openly carried on. A Colonial Secretary of State admitted that above 25,000 negroes had been brought over from the African coast, in other words, 25,000 capital felonies committed under the eye, if not with the encouragement, of the government. It is an unenviable reflection which is left to us, that for all those human beings, illegally held in bondage, and in not one of whom could there by law be any kind of property claimed, full compensation, at the rate of £53 each, has been allowed by the Commissioners, and paid by the people of this country—and that besides this sum of at least a million and a-half being so squandered upon the vile and sordid wrong-doers, those felons and accomplices of felons are still suffered to claim the labour of the Africans, under the name of Indentured Apprentices. With the flagrant exception of the Mauritius, there is no reason to believe that any British subjects have, since the Felony Act of 1811 came into operation, been directly concerned in the traffic; but there is too much reason to suspect that British capital has pretty freely found its way into that corrupt channel.

SPEECH

IN

CASE OF REV. JOHN SMITH,

MISSIONARY IN DEMERARA.

INTRODUCTION.

THERE never has been any case of Colonial oppression attended with such important consequences, and seldom any that excited so lively an interest, as that of the Missionary Smith, in 1823. This venerable person belonged to the sect of Independents. An insurrection of the negroes having broken out, in the fever of alarm which generally attends such events, among a set of men justly conscious like the planters, both of the negro's continued wrongs, and of their own imminent dangers, it was fancied that Mr. Smith had in some way contributed to the movement. That such a rumour once propagated should have gained ground among the multitude, was perhaps not to be wondered at. But, that the constituted authorities should have been so far moved by it, as to put the party on his trial, without the most careful previous investigation of all the circumstances, seems hardly credible, when we reflect on the extreme delicacy of the questions thus certain to be raised, and upon the religious feeling, still stronger than the political, sure to be excited. There were, however, stranger things yet to be witnessed in the progress of this important affair. The popular agitation (if we may so call the excitement among the handful of whites thinly scattered among the real bulk of the people) extended itself to the court, before whom the Missionary was tried; and the judges, partaking of the violence which inspired the planters and other slave dealers, committed a series of

errors so gross as to mock belief, and of oppressions which are unexampled in the dispensation of English justice. Among these acts, whether of matchless ignorance or of gross injustice, the most striking, but not the only ones, were, the constant admission of manifestly illegal evidence, and the condemning to death a person only accused of misprision, a crime plainly not capital. The Missionary was cast into a small and loathsome dungeon, in a state of health which made any imprisonment dangerous. There, after some weeks of the most severe suffering, he yielded up his pious spirit, expiating with his guiltless blood the sin of which there is no remission in the West Indies,—the sin of having taught the slaves the religion of peace, and consoled them for the cruel lot inflicted by the crimes of this world, with the hopes of mercy in another.

The arrival of this intelligence in England speedily produced all the feelings which might well have been expected. Pity for the victim; sympathy with his unhappy widow; fellow-feeling for his bereaved flock; alarm at the sight of religious persecution; contempt for the ignorance of the legal, and the pusillanimity of the political authorities; indignation at the injustice of the Courts—were the sentiments that strove for mastery among the great body of the British people; and all were finally concentrated in one single universal and implacable feeling of revenge against that execrable system, which, contrary to the law of God, pretends to vest in man a property in his fellow-creatures, as fatal to the character of the oppressor as to the happiness of his victim.

After maturely deliberating upon the course most fit to be taken, both with a view to attain the ends of justice, and to make the blow most effectual, which this question enabled him to level at Negro Slavery and colonial misgovernment, Mr. Brougham, on the 1st of June, brought forward his motion of censure upon the Demerara Government, and the Court, its

instrument and accomplice in oppression. A debate of surpassing interest ensued. The most distinguished speakers for the motion were Mr. Williams,* Mr. Denman,† and Dr. Lushington. On the other side, the majority inclined at first to resist the motion, and the Colonial Under Secretary‡ met it with a direct negative; but finding they were in peril of a defeat, Mr. Canning, who did not very creditably distinguish himself on this occasion, concluded by moving the previous question, upon which the division was taken. Mr. Tindal§ made on this occasion his first parliamentary speech, with distinguished ability; and Mr. Scarlett‖ ably argued on the same side. The motion was lost by 146 to 193 votes, after an adjourned debate.

But the effect produced by this great discussion was extreme and powerful. The minds of men were turned to the real state of negro bondage; the abuses and oppressions committed in the Colonies were fully examined; the impossibility of carrying the acts now everywhere loudly complained of, unless by destroying so unnatural a system, was generally recognized. "The Missionary Smith's Case" became a watchword and a rallying cry with all the friends of religious liberty, as well as the enemies of West Indian Slavery. The votes of those who had sided with the Government in resisting the motion were carefully recorded, for the purpose of preventing them from ever again being returned to Parliament. The measures of the Abolitionists all over the country became more bold and decided, as their principles commanded a more general and hearty concurrence; and all men now saw that the warning given in the peroration of the latter of these two speeches, though sounded in vain across the

* Now a judge in the Court of Queen's Bench.

† Now Lord Chief Justice, who has recently shown his habitual love of liberty by declaring slavery to be unlawful.

‡ Mr. W. Horton. § Now Chief Justice of the Common Pleas.

‖ Now Chief Baron of the Exchequer.

Atlantic Ocean, was echoing with a loudness redoubled at each repetition through the British Isles, that it had rung the knell of the system, and that at the fetters of the slave a blow was at length struck which must, if followed up, make them fall off his limbs for ever. The cause of Negro Emancipation has owed more to this case of individual oppression, mixed with religious persecution, than to all the other enormities of which Slavery has ever been convicted.

CASE OF

REV. JOHN SMITH.

House of Commons—June 1, 1824.

Mr. Speaker,—I confess, that in bringing before this House the question on which I now rise to address you, I feel not a little disheartened by the very intense interest excited in the country, and the contrast presented to those feelings by the coldness which prevails within these walls. I cannot conceal from myself, that, even in quarters where one would least have expected it, a considerable degree of disinclination exists to enter into the discussion, or candidly to examine the details of the subject. Many persons who have, upon all other occasions, been remarkable for their manly hostility to acts of official oppression, who have been alive to every violation of the rights of the subject, and who have uniformly and most honourably viewed with peculiar jealousy every infraction of the law, strange to say, on the question of Mr. Smith's treatment, evince a backwardness to discuss, or even listen to it. Nay, they would fain fasten upon any excuse to get rid of the subject. What signifies inquiring, say they, into a transaction which has occurred in a remote portion of the world? As if distance or climate made any difference in an outrage upon law or justice. One would rather have expected that the very idea of that distance—the circumstance of the event having taken place beyond the immediate scope of our laws, and out of the view of the people of this country—in posses-

sions where none of the inhabitants have representatives in this House, and the bulk of them have no representatives at all,—one might have thought, I say, that, in place of forming a ground of objection, their remote and unprotected situation would have strengthened the claims of the oppressed to the interposition of the British Legislature. Then, says another, too indolent to inquire, slow to hear, but prompt enough to decide, "It is true there have been a great number of petitions presented on the subject; but then everybody knows how those petitions are procured, by what descriptions of persons they are signed, and what are the motives which influence a few misguided, enthusiastic men, in preparing them, and the great crowd in signing them. And, after all, it is merely about a poor missionary!" I have now to learn, for the first time, that the weakness of the sufferer—his unprotected situation—his being left single and alone to contend against power exercised with violence,—constitutes a reason for this House shutting its ears against all complaints of such proceedings, and refusing to investigate the treatment of the injured individual. But it is not enough that he was a missionary; to make the subject still more unpalatable,—for I will come to the point, and at once use the hateful word,—he must needs also be a Methodist. I hasten to this objection, with a view at once to dispose of it. Suppose Mr. Smith had been a Methodist —what then? Does his connexion with that class of religious people, because, on some points essential in their conscientious belief, they are separated from the National Church, alter or lessen his claims to the protection of the law? Are British subjects to be treated more or less favourably in courts of law—are they to have a larger or a smaller share in the security of life and limb, in the justice dealt out by the Government—according to the religious opinions which they may happen to hold? Had he belonged to the society of the Methodists, and been employed by the members of

that communion, I should have thought no worse of *him* or his mission, and felt nothing the less strongly for his wrongs. But it does so happen, that neither the one nor the other of these assumptions is true; neither the Missionary Society, nor their servants, are of the Methodist persuasion. The Society is composed indifferently of Churchmen and Dissenters: Mr. Smith is, or, as I unhappily must now say, was, a minister—a faithful and pious minister—of the Independents,—that body much to be respected indeed for their numbers, but far more to be held in lasting veneration for the unshaken fortitude with which in all times, they have maintained their attachment to civil and religious liberty, and, holding fast by their own principles, have carried to its uttermost pitch the great doctrine of absolute toleration; — men to whose ancestors this country will ever acknowledge a boundless debt of gratitude, as long as freedom is prized among us: for they, I fearlessly proclaim it — *they*, with whatever ridicule some may visit their excesses, or with whatever blame others—*they*, with the zeal of martyrs, the purity of the early Christians, the skill and the courage of the most renowned warriors, gloriously suffered, and fought, and conquered for England the free constitution which she now enjoys! True to the generous principles in Church and State which won those immortal triumphs, their descendants still are seen clothed with the same amiable peculiarity of standing forward among all religious denominations, pre-eminent in toleration; so that although, in the progress of knowledge, other classes of Dissenters may be approaching fast to overtake them, *they* still are foremost in this proud distinction. All, then, I ask of those who feel indisposed to this discussion is, that they will not allow their prepossessions, or I would rather say, their indolence (for, disguise it as they will, indolence is at the bottom of this indisposition), to prevent them from entering calmly and fully into the discussion of the question.

It is impossible that they can overlook the unexampled solicitude which it has excited in every class of the people out of doors. That consideration should naturally induce the House of Commons to lend its ear to the inquiry, which however, is fully entitled, on its own merits, to command undivided attention.

It will be my duty to examine the charge preferred against the late Mr. Smith, and the whole of the proceedings founded on that charge. And in so doing, I have no hesitation in saying, that from the beginning of those proceedings to their fatal termination, there has been committed more of illegality, more of the violation of justice—violation of justice, in substance as well as form—than, in the whole history of modern times, I venture to assert, was ever before witnessed in any inquiry that could be called a judicial proceeding. I have tried the experiment upon every person with whom I have had an opportunity of conversing on the subject of these proceedings at Demerara, as well members of the profession to which I have the honour of belonging, as others acquainted with the state of affairs in our Colonies, and I have never met with one who did not declare to me, that the more the question was looked into, the greater attention was given to its details, the more fully the whole mass was sifted—the more complete was his assent to the conviction that there was never exhibited a greater breach of the law, a more daring violation of justice, a more flagrant contempt of all those forms by which law and justice are wont to be administered, and under which the perpetrators of ordinary acts of judicial oppression are wont to hide the nakedness of their crimes.

It is now necessary to call the attention of the House to that unhappy state of things which existed in Demerara during the course of the past year. Certain Instructions had been forwarded from this country to those Slave Colonies which are more under the control of the Government than the other West

India Islands. Whether the Instructions were the best calculated to fulfil the intentions of those who issued them—whether the directions had not in some points gone too far, at least in prematurely introducing the object that they had most properly in view—and whether, in other points, they did not stop short of their purpose—whether, in a country where the symbol of authority was the constantly manifested lash of the driver, it was expedient at once to withdraw that dreadful title of ownership,—I shall not now stop to inquire. Suffice it to say, that those Instructions arrived at Demerara on the 7th of last July, and great alarm and feverish anxiety appeared to have been excited by them amongst the white part of the population. That the existence of this alarm so generally felt by the proprietors, and the arrival of some new and beneficial regulations, were marked and understood by the domestic slaves, there cannot be a doubt. By them the intelligence was speedily communicated to the field negroes. All this time there was no official communication of the Instructions from the Colonial Government. A meeting had been convened of the Court of Policy, but nothing had been made public in consequence of its assembling. A second meeting was held, and it was understood that a difference of opinion prevailed among the members, after a discussion, which, though not fierce, was still animated. The only means which the circumstances of the case naturally suggested do not appear to have been adopted by those at the head of affairs in Demerara. I do not impute to them any intentional disregard of duty. It is very possible that the true remedy for the mischief may have escaped them in the moment of excited apprehension—in the prevalence of general alarm, rendered more intense by the inquisitive anxiety of the slave population,—an alarm and anxiety continued by the state of ignorance in which the slaves were kept as to the real purport of the Instructions from England. But most certainly,

whatever was the cause, the authorities at Demerara overlooked the course of proceeding best calculated to allay at least the inquisitive anxiety of the slaves; namely, promulgating in the colony what it really was that had been directed by the Instructions of the King's ministers, even if they were not disposed at once to declare whether they would or would not carry those Instructions into execution. Unhappily they did not take that plain course. Week after week was suffered to elapse; and up to the period when the lamentable occurrence took place, which led to these proceedings, no authentic, or, at least authoritative communication, either of what had arrived from England, or of what was the intention of the authorities at Demerara, was made to the slaves. This state of suspense occupied an interval of nearly seven weeks. The revolt broke out on the 18th of August. During the whole of that interval the agitation in the colony was considerable; it was of a twofold character. There was on one side the alarm of the planters, as to the consequences of the new Instructions received from his Majesty's Government; and on the other, the naturally increasing anxiety of the negro as to the precise purport and extent of those Instructions. There existed the general impression, that some extension of grace and bounty had been made to the slaves. In the ignorance which was so studiously maintained as to the nature of it, their hopes were proportionably excited; they knew that something had been done, and they were inquisitive to learn what it was. The general conversation amongst them was, "Has not our freedom come out? Is not the King of Great Britain our friend?" Various speculations occupied them; reports of particular circumstances agitated them. Each believed in the detail as his fancy or credulity led him; but to one point all their hopes pointed;—"Freedom! freedom!" was the sound unceasingly heard; and it continually raised the vision on which their fancy loved to repose.

And now, allow me to take the opportunity of re-asserting the opinion which, with respect to that most important subject of Emancipation, I have uniformly maintained, not only since I have had the honour of a seat in this House, but long before, with no other difference, save, perhaps, in the manner of the expression, correcting that manner by the experience and knowledge which a more extended intercourse with human life must naturally have bestowed. My opinion ever has been, that it is alike necessary to the security of our white brethren, and just, and even merciful to the negroes—those victims of a long-continued system of cruelty, impolicy, and injustice—to maintain firmly the legal authorities, and with that view to avoid, in our relations with the slaves, a wavering uncertain policy, or keep them in a condition of doubt and solicitude, calculated to work their own discomfort and the disquiet of their masters. Justice to the whites, mercy to the blacks, command us to protect the first from the effect of such alarms, and the last from the expectation that, in the hapless condition in which they are placed, their emancipation can be obtained—meaning thereby their sudden, unprepared emancipation, by violent measures, or with an unjustifiable haste, and without due preparation. The realization of such a hope, though carrying the name of a boon, would inflict the severest misery on these beings, whose condition is already too wretched to require, or indeed to bear, any increase of calamity. It is for the sake of the blacks themselves, as subsidiary to their own improvement, that the present state of things must for a time be maintained. It is because to them, the bulk of our fellow-subjects in the Colonies, liberty, if suddenly given, and still more, if violently obtained by men yet unprepared to receive it, would be a curse, and not a blessing; that emancipation must be the work of time, and, above all, must not be wrested forcibly from their masters. Reverting to the occurrences at Demerara, it is unde-

niable that a great and unnecessary delay took place. This inevitably, therefore, gave rise to those fatal proceedings, which all of us, however we may differ as to the causes from which they originated, must unfeignedly deplore.

It appears that Mr. Smith had officiated as a minister of religion in the colony of Demerara for seven years. He had maintained during his whole life a character of the most unimpeachable moral purity, which had not only won the love and veneration of his own immediate flock, but had procured him the respect and consideration of all who resided in his neighbourhood. Indeed, there is not a duty of his ministry that he had not discharged with fidelity and zeal. That this was his character is evident even from the papers laid upon the table of the House. These documents, however, disclose but a part of the truth on this point. Before I sit down I shall have occasion to advert to other sources of information, which show that the character of Mr. Smith was such as I have described it; and that those who are best qualified to form an opinion have borne the highest testimony to his virtuous and meritorious labours. Yet this Christian minister, thus usefully employed, thus generally revered and beloved, was dragged from his house, three days after the revolt began, and when it had been substantially quelled, with an indecent haste that allowed not the accommodation even of those clothes which, in all climates, are necessary to human comfort, but which, in a tropical climate, are absolutely essential to health. He was dragged, too, from his home and his family at a time when his life was attacked by a disease which, in all probability, would in any circumstances have ended in his dissolution; but which the treatment he then received powerfully accelerated in its fatal progress. He was first imprisoned in that sultry climate, in an unwholesome fetid room, exposed to the heat of the tropical sun. This situation was afterwards changed,

and he was conveyed to a place only suited to the purposes of torture—a kind of damp dungeon, where the crazy floor was laid loosely over stagnant water, visible through the wide crevices of its boards. When Mr. Smith was about to be seized, he was first approached with the hollow demand of the officer who apprehended him, commanding him to join the militia of the district. To this he pleaded his inability to serve in that capacity, as well as an exemption founded on the rights of his clerical character. Under the pretext of this refusal his person was arrested, and his papers were demanded, and taken possession of. Amongst them was his private journal—a part of which was written with the intention of being communicated to his employers alone, while the remaining part was intended for no human eye but his own. In this state of imprisonment he was detained, although the revolt was then entirely quelled. That it was so quelled, is ascertained from the despatches of General Murray to Earl Bathurst, dated the 26th of August. At least the despatch of that date admits that the public tranquillity was nearly restored; and, at all events, by subsequent despatches, of the 30th and 31st, it appears that no further disturbance had taken place; nor was there from that time any insurrectionary movement whatever. At that period the colony was in the enjoyment of its accustomed tranquillity, barring always those chances of relapse which, in such a state of public feeling, and in such a structure of society, must be supposed ever to exist, and to make the recurrence of irritation and tumult more or less probable. Martial law, it will be recollected, was proclaimed on the 15th of August, and was continued to the 15th of January following—five calendar months—although there is the most unquestionable proof that the revolt had subsided, and indeed that all appearance of insubordination had vanished.

In a prison such as I have described, Mr. Smith remained until the 14th day of October. Then, when

every pretence of real and immediate danger was over; when everything like apprehension, save from the state of colonial society, was removed; it was thought fit to bring to trial, by a military court-martial, this minister of the gospel! I shall now view the outside of that court-martial: it is fit that we look at its external appearance, examine the foundations on which it rests, and the structures connected with it, before we enter and survey the things perpetrated within its walls. I know that the general answer to all which has been hitherto alleged on this subject is, that martial law had been proclaimed in Demerara. But, Sir, I do not profess to understand, as a lawyer, martial law of such a description: it is entirely unknown to the law of England—I do not mean to say in the bad times of our history, but in that more recent period which is called Constitutional. It is very true, that formerly the Crown sometimes issued proclamations, by virtue of which civil offences were tried before military tribunals. The most remarkable instance of that description, and the nearest precedent to the case under our consideration, was the well known proclamation of that august, pious, and humane pair, Philip and Mary, of happy memory, stigmatizing as rebellion, and as an act which should subject the offender to be tried by a court-martial, the having heretical, that is to say, Protestant books in one's possession, and not giving them up without previously reading them. Similar proclamations, although not so extravagant in their character, were issued by Elizabeth, by James the First (and of a less violent nature), by Charles the First; until at length the evil became so unbearable, that there arose from it the celebrated Petition of Right, one of the best legacies left to his country by that illustrious lawyer, Lord Coke, to whom every man that loves the Constitution owes a debt of gratitude which unceasing veneration for his memory can never pay. The Petition provides that all such proceedings shall thenceforward

be put down: it declares, "that no man shall be forejudged of life or limb against the form of the Great Charter;" "that no man ought to be adjudged to death but by the laws established in this realm, either by the custom of the realm, or by Acts of Parliament;" and "that the commissions for proceeding by martial law should be revoked and annulled, lest, by colour of them, any of his Majesty's subjects be destroyed or put to death, contrary to the laws and franchise of the land." Since that time no such thing as martial law has been recognized in this country; and courts founded on proclamations of martial law have been wholly unknown. And here I beg to observe, that the particular grievances at which the Petition of Right was levelled, were only the trials under martial law of military persons, or of individuals accompanying, or in some manner connected with military persons. On the abolition of martial law what was substituted? In those days, a standing army in time of peace was considered a solecism in the Constitution. Accordingly, the whole course of our legislation proceeded on the principle, that no such establishment was recognized. Afterwards came the annual Mutiny Acts, and courts-martial which were held only under those acts. These courts were restricted to the trial of soldiers for military offences; and the extent of their powers was pointed out and limited by law. But I will not go farther into the consideration of this delicate constitutional question; for the present case does not rest on any niceties—it depends not on any fine-spun decisions with respect to the law. If it should be said, that, in the conquered colonies, the law of the foreign state may be allowed to prevail over that of England; I reply, that the Crown has no right to conquer a colony, and then import into its constitution all manner of strange and monstrous usages. If the contrary were admitted, the Crown would only have to resort first to one coast of Africa and then to another, and

afterwards to the shores of the Pacific, and import the various customs of the barbarous people whom it might subdue; torture from one; the scalping knife and tomahawk from another; from a third the regal prerogative of paving the palace courts with the skulls of the subject. All the prodigious and unutterable practices of the most savage nations might thus be naturalized by an act of the Crown without the concurrence of Parliament, and to the detriment of all British subjects born, or resident, or settling for a season, in those new dominions. Nothing, however, is more clear, than that no practice inconsistent with the fundamental principles of the constitution—such, for instance, as the recourse to torture for the purpose of obtaining evidence—can ever be imported into a colony by any act of conquest. But all considerations of this nature are unnecessary on the present occasion: for this court was an English court-martial. The title by which it claimed to sit was the Mutiny Act, and the law of England. The members of the court are estopped from pleading the Dutch law, as that on which their proceedings were founded. They are estopped, because they relied for their right to sit on our own Mutiny Act, which they time after time refer to; and they cannot now pretend that they proceeded on any other ground.

Let us now look for a few moments at the operations which preceded the trial of this poor missionary. He was, as I have just stated, tried by a court-martial; and we are told by General Murray, in his despatch of October 21, that it was all the better for him,—for that, if he had been tried in any other manner, he might have found a more prejudiced tribunal. Now, Sir, I have no hesitation in saying, that if I had been the party accused, or of counsel for the party accused, I would at once have preferred a civil jurisdiction to the very anomalous proceeding that took place. First of all, I should have gained delay, which in most cases

is a great advantage to the accused. In this particular case it must have proved of inestimable benefit to him, as the fever of party rage and personal hostility would have been suffered gradually to subside. By proceeding under the civil jurisdiction, the addition of the Roman law to that of the common law necessarily occasioned great prolixity in the trial. Months must have elapsed during those proceedings, and at every step the accused would have had a chance of escape. All this would have been of incalculable value; and all this was lost to the accused, by his being summarily brought before a military tribunal. The evidence of slaves was admitted by the court without doubt or contest;—a point, however, on which I do not much rely; for I understand that in Demérara the usage in this respect differs from the usage of some other colonies, and that the evidence of negroes against whites is considered admissible, although it is not frequently resorted to. Still, however, there is this difference as respects such evidence between a civil and a military court; in the latter, it is received at once, without hesitation; whereas, if the matter is brought before a civil jurisdiction, a preliminary proceeding must take place respecting the admissibility of each witness. His evidence is compared with the evidence of other witnesses, or parts of his evidence are compared with other parts, and on the occurrence of any considerable discrepancy the evidence of that witness is finally refused. There are also previous proceedings, had the subject been brought before a civil jurisdiction, which might have had this effect: a discussion takes place before the Chief Justice and two assistants, on the admissibility of witnesses, who are not admitted as evidence in the cause until after a preliminary examination; and I understand, that the circumstance of a witness being a slave whose evidence is to be adduced against a white man, in cases of doubt, always weighs in the balance against his admissibility. But I pass all this over. I

rest the case only on that which is clear, undeniable, unquestioned. By the course of the civil law, two witnesses are indispensably required to substantiate any charge against the accused. Let any one read the evidence on this trial, and say, how greatly the observance of such a rule would have improved the condition of the prisoner. Last of all, if the accused had been tried at common law, he would have had the advantage of a learned person presiding over the court, as the Chief Justice, who must have been individually and professionally responsible for his conduct; who would have acted in the face of the whole bar of the colony; who would also have acted in the face of that renowned English bar to which he once belonged, to which he might return, and whose judgment, therefore, even when removed from them, by the breadth of the Atlantic, he would not have disregarded, while he retained the feelings of a man, and the character of an English advocate. He would have acted in the face of the whole world as an individual, doubtless not without assistance, but still with the assistance of laymen only, who could not have divided the responsibility with him. He would, in every essential particular, have stood forth single and supreme, in the eyes of the rest of mankind, as the judge who tried the prisoner. In such circumstances, he must have conducted himself with an entire regard to his professional character, to his responsibility as a judge, to his credit as a lawyer.

Now, Sir, let us look at the constitution of the court before which Mr. Smith was actually tried. Upon a reference to the individuals of whom it was composed, I find, what certainly appears most strange, the president of the civil court taking upon himself the functions of a member of the court-martial, under the name of an officer of the militia staff. It appears to be the fact, that this learned individual was invested with the rank and degree of lieutenant-colonel of the militia, a few days before the assembling of the court-martial, in

order that he, a lawyer and a civil judge, might sit as a military judge and a soldier! Sir, he must have done this by compulsion. Martial law was established in the colony by the power to which he owed obedience. He could not resist the mandate of the Governor. He was bound, in compliance with that mandate, to hide his civic garb, to cover his forensic robe under martial armour. As the aide-de-camp of the Governor, he was compelled to act a mixed character—part lawyer, part soldier. He was the only lawyer in a court where a majority of the soldiery overwhelmed him. Having no responsibility, he abandoned—or was compelled to sit helpless and unresisting, and see others abandoning—principles and forms which he could not, which he would not, which he durst not, have abandoned, had he been sitting alone in his own court, in his ermined robe, administering the civil law. After this strange fact respecting the higher members of the court, it is not surprising that one as strange should appear with regard to its subordinate officers. The Judge-Advocate of a court-martial, although certainly sometimes standing in the situation of a prosecutor, nevertheless, in all well regulated courts-martial, never forgets that he also stands between the prisoner and the bench. He is rather, indeed, in the character of an assessor to the court. On this point, I might appeal to the highest authority present. By you, Sir, these important functions were long, and correctly, and constitutionally performed; and in a manner equally beneficial to the army and to the country. But I may appeal to another authority, from which no one will be inclined to dissent. A reverend judge, Mr. Justice Bathurst, in the middle of the last century, laid it down as clear and indisputable, that the office of a Judge-Advocate was to lay the proof on both sides before the court; and that whenever the evidence was at all doubtful, it was his duty to incline towards the prisoner. No such disposition, however, appears

in this Judge-Advocate, I should rather say in these Judge-Advocates; for, one not being considered enough, two deputies were appointed to assist him. These individuals exercised all their address, their caution, and their subtlety, against the unfortunate prisoner, with a degree of zeal bordering upon acrimony. Indeed, the vehemence of the prosecution was unexampled. I never met with anything equal to it; and I am persuaded, that if any such warmth had been exhibited before a civil judge by a prosecuting counsel, he would have frowned it down with sudden indignation.

In the first instance, the Judge-Advocate concealed the precise nature of the accusation. The charges were drawn up so artfully, as to give no notice to the prisoner of the specific accusation against him. They were drawn up shortly, vaguely, and obscurely; but short, vague, and obscure as they were, they were far from being as short, as vague, and as obscure as the opening speech of the prosecutor. That speech occupies about half a page in the minutes of the trial, which yet give it *verbatim*. But scarcely had the prisoner closed his defence, than a speech was pronounced, on the part of the prosecution, which eighteen pages of the minutes scarcely contain. In this reply the utmost subtlety is exhibited. Topic is urged after topic with the greatest art and contrivance. Everything is twisted for the purpose of obtaining a conviction; and, which is the most monstrous thing of all, when the prisoner can no longer reply, new facts are detailed, new dates specified, and new persons introduced, which were never mentioned, or even hinted at, on any one of the twenty-seven preceding days of the trial! Again, Sir, I say, that had I been the accused person, or his counsel, I would rather a thousandfold have been tried by the ordinary course of the civil law, than by such a court. To return, however, to its composition—I rejoice to observe, that the president of the supreme civil judicature, although he was so unwise as to allow his

name to be placed on the list of the members, or so unfortunate as to be compelled to do so, refused to preside over the deliberations of this court. Although he was the person of the highest rank next to the Governor, and although in a judicial inquiry he must naturally have been more skilful and experienced than any man in the colony, nevertheless there he is in the list among the ordinary members of the court; and as he must have been appointed to preside, but for his own repugnance to the office, I am entitled to conclude that he refused it with a firmness not to be overcome. Against the other members I have nothing whatever to say. The president of the court, however, was Lieutenant-Colonel Goodman. Now, that gallant officer, than whom, I believe, no man bears a higher character, unfortunately, beside bearing his Majesty's commission, holds an office in the colony of Demerara, which rendered him the last man in the world who ought to have been selected as president of such a judicature. Let the House, Sir, observe, that the reason assigned by Governor Murray for subjecting Mr. Smith to a trial before such a tribunal, was not only that he might have in reality a fair trial, but that he might not even appear to be the victim of local prejudice, which it seems would have been surmised, had his case been submitted to a jury; or a court of planters. How is it, then, that with this feeling the Governor could name Lieutenant-Colonel Goodman to be president of the court? For that gallant officer does, in point of fact, happen to hold the situation of Venduemaster in the colony of Demerara, without profit to whom not a single slave can be sold by any sale carried on under the authority of the courts of justice. Accordingly, it did so turn out, that a few days before the breaking out of the revolt, there were advertised great sales of negroes by auction, which most naturally excited sorrow and discontent among many of the slaves. There was one sale of fifty-six of those hapless beings,

who were to be torn from the place of their birth and residence, and perhaps separated for ever from their nearest and dearest connexions. I hold in my hand a *Colonial Gazette*, containing many advertisements of such sales, and to every one of them I find attached the signature "S. A. Goodman." One of the advertisements, that, I think, for the sale of fifty-six negroes, states, that among the number there are many "valuable carpenters, boat-builders, &c., well worthy the attention of the public." Another speaks of "several prime single men." One party of slaves consists of a woman and her three children. Another advertisement offers a young female slave who is pregnant. Upon the whole, there appear to have been seventy or eighty slaves advertised to be sold by auction in this single gazette, in whose sale Lieutenant-Colonel Goodman, from the nature of his office, had a direct interest. I do not for a moment affirm that this circumstance was likely to warp his judgment. Probably, indeed, he was not personally aware of it at the time. But I repeat, that, if this proceeding were intended to be free from all suspicion, Lieutenant-Colonel Goodman was one of the last men to select as the president of the court. That, however, is nothing compared to the appointment of the Chief Justice of the colony as one of its members. He, the civil judge of the colony, to be forced to sit as member of a court-martial, and under the disguise of a militia officer, by way of a qualification! He to whom an appeal lay against any abuse of which that court-martial might be guilty! From whom but from him could Mr. Smith have obtained redress for any violation of the law committed in his person? Yet, as if for the express purpose of shutting the door against the possibility of justice, he is taken by the Governor and compelled to be a member of the court. That this tribunal might at once be clothed with the authority of the laws which it was about to break, and exempted from all risk of answer-

ing to those laws for breaking them, the only magistrate who could vindicate or enforce them is identified with the court, and at the same time so outnumbered by military associates, as to be incapable of controverting, or even influencing, its decision, while his presence gives them the semblance of lawful authority, and places them beyond the reach of legal revision.

Sir, one word more, before I advert to the proceedings of the court, on the nature of its jurisdiction. Suppose I were ready to admit, that on the pressure of a great emergency, such as invasion or rebellion, when there is no time for the slow and cumbrous proceedings of the civil law, a proclamation may justifiably be issued for excluding the ordinary tribunals, and directing that offences should be tried by a military court—such a proceeding might be justified by necessity; but it could rest on that alone. Created by necessity, necessity must limit its continuance. It would be the worst of all conceivable grievances—it would be a calamity unspeakable—if the whole law and constitution of England were suspended one hour longer than the most imperious necessity demanded. And yet martial law was continued in Demerara for five months. In the midst of tranquillity, that offence against the constitution was perpetrated for months, which nothing but the most urgent necessity could warrant for an hour. An individual in civil life, a subject of his Majesty, a clergyman, was tried at a moment of perfect peace, as if rebellion raged in the country. He was tried as if he had been a soldier. I know that the proclamation of martial law renders every man liable to be treated as a soldier. But the instant the necessity ceases, that instant the state of soldiership ought to cease, and the rights, with the relations, of civil life to be restored. Only see the consequences which might have followed the course that was adopted. Only mark the dilemma in which the Governor might have found himself placed by his

own acts. The only justification of the court-martial was his proclamation. Had that court sat at the moment of danger, there would have been less ground for complaint against it. But it did not assemble until the emergency had ceased; and it then sat for eight-and-twenty days. Suppose a necessity had existed at the commencement of the trial, but that in the course of the eight-and-twenty days it had ceased;—suppose a necessity had existed in the first week, who could predict that it would not cease before the second? If it had ceased with the first week of the trial, what would have been the situation of the Governor! The sitting of the court-martial at all could be justified only by the proclamation of martial law; yet it became the duty of the Governor to revoke that proclamation. Either, therefore, the court-martial must be continued without any warrant or colour of law, or the proclamation of martial law must be continued only to legalize the prolonged existence of the court-martial. If, at any moment before its proceedings were brought to a close, the urgent pressure had ceased which alone justified their being instituted, according to the assumption I am making in favour of the court, and for argument's sake; then to continue martial law an hour longer would have been the most grievous oppression, the plainest violation of all law; and to abrogate martial law would have been fatal to the continuance of the trial. But the truth is, that the court has no right even to this assumption, little beneficial as it proves; for long before the proceedings commenced, all the pressure, if it ever existed, was entirely at an end.

I now, Sir, beg the House will look with me, for a moment, at the course of proceeding which the court, constituted in the manner and in the circumstances that I have described, thought fit to adopt. If I have shown that they had no authority, and that they tried this clergyman illegally, not having any jurisdiction, I think I can prove as satisfactorily that their proceedings were

not founded on any grounds of justice, or principles of law, as I have proved that the court itself was without a proper jurisdiction. And here, I beg leave to observe, that the minutes of the proceedings on the table of the House are by no means full, although I do not say they are false. They do not perhaps misrepresent what occurred, but they are very far indeed, from telling all that did occur; and the omissions are of a material description. For instance, there is a class of questions which it is not usual to permit in courts of justice, called leading questions; the object of which is to put into the witness's mouth the answers which the examiner desires he should make. This is in itself objectionable; but the objection is doubled, if, in a report of the examination, the questions are omitted, and the answers are represented as flowing spontaneously from the witness, and as being the result of his own recollection of the fact, instead of the suggestions of another person. I will illustrate what I mean by an example. On the fifth day of the trial, Bristol, one of the witnesses, has this question put to him: "You stated, that, after the service was over, you stayed near the chapel, and that Quamina was there: did you hear Quamina tell the people what they were to do?" To that the answer is, "No, Sir." The next question but one is, "Did you hear Quamina tell the other negroes, that on the next Monday they were all to lay down their tools and not work?" To which the witness (notwithstanding his former negative) says, "Yes, I heard Quamina say so a week before the revolt broke out." Now, in the minutes of evidence laid on the table of the House, both the questions and the answer to the first are omitted, and the witness is described as saying without any previous prompting, "A week before this revolt broke out, I heard Quamina tell the negroes that they were to lay down their tools and not work."

The next instance which I shall adduce, of the impropriety of the proceedings of the court, is very

remarkable, comprehending, as it does, almost all that I can conceive of gross unfairness and irregularity: I mean the way in which the court attended to that which, for want of a better word, I shall call hearsay evidence; although it is so much worse in its nature than anything which, in the civil and even the military courts of this country we are accustomed to stigmatize and reject under this title, that I feel I am calumniating the latter by the assimilation. In the proceedings before this court at Demerara, the hearsay is three or four deep. One witness is asked what he has heard another person say was imputed to a third. Such evidence as that is freely admitted by the court in a *part* of its proceedings. But before I show where the line was drawn in this respect, I must quote a specimen or two of what I have just been adverting to. In the same page from which I derived my last quotation, the following questions and answers occur:—"How long was it that Quamina remained there?—Three days: *they said* some of the people had gone down to speak to Mr. Edmonstone; that Jack had gone with them." "Do you know what has become of him (Quamina)?—After I came here, *I heard* he was shot by the bucks, and gibbeted about Success middle path." And this, Sir, is the more material, as the whole charge against Mr. Smith rested on Quamina's being an insurgent, and Mr. Smith's knowing it. So that we are here not on the mere outworks, but in the very centre and heart of the case. And this charge, be it observed, was made against Mr. Smith after Quamina was shot. It would appear, indeed, that in these colonies, it was sufficient evidence of a man's being a revolter that he was first shot and afterwards gibbeted. In one part of the examination, a witness is asked, "Do you know that Quamina was a revolter?" The witness answers in the affirmative. The next question is, "How do you know it?" Now, mark, the witness is asked, not as to any rumour, but as to his own knowledge; his answer

is, "I know it, because I heard they took him up before the revolt began!" This evidence is to be found in pages twenty-four and twenty-five of the London Missionary Society's Report of the Proceedings. In page thirty-five of the same publication, I find the following questions and answers in the evidence of Mr. M'Turk:—"Where were you on that day (the 18th of August)?—On plantation Felicity, until five o'clock in the afternoon." "Did anything particular occur on that day?—I was informed (mark *informed*), I was informed by a coloured man, about four o'clock, that the negroes intended revolting that evening; and he gave me the names of two, said to be ringleaders, viz., Cato and Quamina, of plantation Success." Here, Sir, we have a specimen of the nature of the evidence adduced upon this most extraordinary trial.—In pages 101 and 102 of the Missionary Society's Report, I find the following passage in the evidence of John Stewart, the manager of plantation Success; and be it in the recollection of the House, that the questions were put by the court itself before which this unfortunate man was tried:—

"Did Quamina, Jack, Bethney, Britton, Dick, Frank, Hamilton, Jessamine, Quaco, Ralph, and Windsor, belong to plantation Success at the time of the revolt?—Yes.

"Did any of these attend the chapel?—The whole of these, except Ralph.

"Have the whole, or any of these, except Quamina, *been tried* by a court-martial, *and proved* to have been actually engaged in the rebellion?—I have been present at the trial of Ralph and Jack; and I have seen Ralph, Jack, Jessamine, Bethney, and Dick, but *have heard only* of the others."

"Who," again asks the court, "was the most active of the insurgents in the revolt on plantation Success?—Richard was the most desperate and resolute; Bethney and Jessamine were very active, and all those mentioned *except Quamina* and Jack, whom I did not see do any

harm; they were keeping the rest back, and preventing them doing any injury to me."

The court goes on to ask, "Was not Quamina a *reputed* leader (I beg the House to mark the word *reputed*, and in a question put by the court) in the revolt? —I *heard him to be such*; but I did not see him."

Here, then, we have hearsay evidence with a vengeance; reputation proved by rumour; what a man is reputed to be—which would be no evidence of his being so if you had it at first hand—proved by what another has heard unknown persons say,—which would be no evidence of his being reputed so, if reputation were proof. There are here at least two stages distance from anything like evidence; but there may be a great many more. The witness had *heard* that Quamina had been a *reputed* leader; but how many removes there were in this reputed charge we are unable to learn. I next come to the evidence of the Rev. William Austin; and I find, in page 112, that on the cross-examination by the Judge-Advocate, ample provision is made for letting in this evidence of reputation and hearsay. The Judge-Advocate says,—

"Did any of these negroes ever insinuate that their misfortunes were occasioned by the prisoner's influence on them, or the doctrines he taught them?—I have been sitting for some time as a member of the Committee of Inquiry; the idea occurs to me that circumstances have been detailed there against the prisoner, but never to myself individually in my ministerial capacity."

This line of examination is too promising, too likely to be fruitful in irregularity, for the court to pass over: they instantly take it up, and, very unnecessarily distrusting the zeal of the Judge-Advocate, pursue it themselves.

By the court.—"*Can you take upon yourself to swear* that you do not recollect *any insinuations* of that sort at the Board of Evidence?"

The witness here objected to the question; because he did not conceive himself at liberty to divulge what had passed before the Board of Inquiry, but particularly to the form or wording of the question, which he considered highly injurious to him. The president insisted (for it was too much to expect that even the chaplain of the government should find favour before that tribunal) upon the reverend witness's answering the question; observing, that the court was the best judge of its propriety. The witness then respectfully requested the opinion of the court, and it was cleared. Upon re-entering, the Assistant Judge-Advocate said, "The court is of opinion that you are bound to answer questions put by the court, even though they relate to matters stated before the Board of Evidence." And, again, the opportunity is eagerly seized of letting in reputation and hearsay evidence. The court itself asks—

"Did you *hear* before the Board of Evidence, *any negro imputing the cause* of the revolt to the prisoner? —Yes, I have."

I shall now state to the House some facts with which they are, perhaps, unacquainted, as it was not until late on Saturday that the papers were delivered. Among the many strange things which took place, not the least singular was, that the prisoner had no counsel allowed, until it was too late to protect him against the jurisdiction of the court. Most faithfully and most ably did that learned person perform his duty when he was appointed; but had he acted from the beginning, he, doubtless, would have objected at once to the power of the court, as I should have done, had I been the Missionary's defender. I should have protested against the manner in which the court was constituted; I should have objected, that the men who sat in judgment in that case had previously sat upon many other cases, where the same evidence, mixed with different matter not now produced, but all confounded together in their recollection, had been repeated over and over for the

conviction of other persons. I ask this House whether it was probable that the persons who formed that court, should have come to the present inquiry with pure, unprejudiced, and impartial judgments, or even with their memories tolerably clear and distinct? I say it was impossible; and, therefore, that they ought not to have sat in judgment upon this poor Missionary at all. But is this the only grievance? Have I not also to complain of the manner in which the Judge-Advocate and the court allowed hearsay evidence to be offered to the third, the fourth, aye, even to the fifth degree? Look, Sir, to what was done with respect to the confession, as they called it, of the negro Paris. I do not wish to trouble the House by reading that confession, as I have already trespassed at some length upon their attention. It will be sufficient to state, that finding his conviction certain, and perhaps judging but too truly from the spirit of the court, that his best chance of safety lay in impeaching Mr. Smith, he at once avows his guilt, makes what is called a full confession, and throws himself upon the mercy of the court. This done, he goes on with one of—I will say not merely the falsest—but one of the wildest and most impossible tales that ever entered into the mind of man, or that could be put to the credulity even of this court of soldiers. And yet, upon the trial of Mr. Smith, the confession of this man was kept back by the prosecutors; that is to say, it was not allowed to be directly introduced, but was introduced by means of the questions I have last read, as matter of hearsay, which had reached different persons through various and indirect channels. In that confession, Paris falsely says, that Mr. Smith administered the sacrament to them (the form of which he describes) on the day preceding the revolt; and that he then exhorted them to be of good heart, and exert themselves to regain their freedom; for if they failed then, they would never succeed in obtaining it. He says, in another place, that Mr.

Smith asked him whether, if the negroes conquered the colony, they would do any harm to him? to which Paris replied in the negative. Now, Sir, only mark the inconsistency of this man's confession. In one place, Mr. Smith is represented as anxious for his personal safety, and yet, in almost the same breath, it is said that this very Mr. Smith was the ringleader of the revolt—the adviser and planner of the insurrection —the man who joined Mr. Hamilton in recommending that the negroes should destroy the bridges, to prevent the whites from bringing up cannon to attack them. This negro is made to swear, "I heard Mr. Hamilton say, that the president's wife should be his in a few days; then Jack said the Governor's wife was to be his father's wife; and that if any young ladies were living with her, or she had a sister, he would take one for his wife." Mr. Smith is pointed out as the future emperor; Mr. Hamilton was to be a general, and several others were to hold high offices of different descriptions. Again; Mr. Smith is made to state, that, unless the negroes fought for their liberty upon that occasion, their children's children would never attain it. Now, I ask, is this story probable? Is there anything like the shadow of truth in it? I said just now, that there was no direct mention of Paris's evidence on the trial: it was found too gross a fabrication to be produced. There were several others who, before the Board of Evidence, had given testimony similar to this, though somewhat less glaringly improbable; but their testimony also was kept back; and they themselves were sent to speedy execution. The evidence of Sandy was not quite so strong; but he, as well as Paris, was suddenly put out of the way. The tales of these witnesses bear palpable and extravagant perjury upon the face of them; they were therefore not brought forward; but the prosecutors, or rather the court, did that by insinuation and side-wind, which they dared not openly to attempt.

I say that the court did this; the court, well knowing that no such witnesses as Paris and Sandy *could* be brought forward—men, the excesses of whose falsehoods utterly counteracted the effect of their statements —contrived to obtain the whole benefit of those statements, unexposed to the risk of detection, by the notable device of asking one who had heard them, a general question as to their substance; the prisoner against whom this evidence was given, having no knowledge of the particulars, and no means of showing the falsehood of what was told, by questioning upon the part which was suppressed, "Did you hear any negro, before the Board of Evidence, impute the cause of the revolt to the prisoner?" When, compelled to answer this monstrous question, the witness could only say, Yes; he *had* heard negroes impute the cause to the prisoner; but they were the negroes Paris and Sandy (and those who put this unheard-of question knew it, but he against whom the answer was levelled knew it not)—Paris and Sandy, whose whole tale was such a tissue of enormous falsehoods as only required to be heard to be rejected in an instant; and whose evidence for that reason had been carefully suppressed.

Having said so much with respect to the nature of the evidence offered against the prisoner, and having had occasion to speak of the confessions, I shall now call the attention of the House to a letter which has been received from a gentleman of the highest respectability, and entitled to the most implicit credit, but whose name I omit to mention because he is still resident in the colony. If, however, any doubt should attach to his statement, I shall at once remove it, by mentioning the name of a gentleman to whom reference can be made on the subject—I mean the Rev. Mr. Austin. He is a man who had no prejudices or prepossessions on the subject: he is a clergyman of the Church of England, chaplain of the colony, and I believe the curate of the only English Established Church

to which 77,000 slaves can have recourse for religious instruction. I mention this in passing, only for the purpose of showing, that if the slaves are to receive instruction at all, they must receive it in a great degree from members of the Missionary Society. [Mr. Brougham here read a letter in which it was stated that the Rev. Mr. Austin had received the last confession of Paris, who stated that Mr. Smith was innocent, and he (Paris) prayed that God would forgive him the lies that Mr. —— had prevailed upon him to tell.] I shall not mention the name of the person alluded to by Paris as having put the lies into his mouth: it is sufficient at present to say, that he took a most active part in getting up the prosecution against this poor Missionary. The letter goes on to state that similar confessions had been made by Jack and Sandy. The latter had been arrested and sent along the coast to be executed, without Mr. Austin's knowledge (as it appeared, from a wish to prevent him from receiving the confession); but that gentleman, hearing of the circumstance, proceeded with all speed to the spot, and received his confession to the above effect. He also went to see Jack, who informed him that Mr. Smith was innocent, and that he (Jack) had said nothing against him but what he had been told by others. Now, I beg the House to attend to what Jack, at his trial, said against Mr. Smith; giving a statement which had been put into his mouth by persons who wished to injure Mr. Smith, and bring the character of Missionaries generally into disrepute. This poor wretch said that he had lived thirty years on Success estate, and that he would not have acted as he had done, if he had not been told that the negroes were entitled to their freedom, but that their masters kept it from them. He went on to say, that not only the deacons belonging to Bethel Chapel, but even Mr. Smith himself, had affirmed this, and were acquainted with the fact of the intended revolt; and this he stated as if, instead of

being on his trial, he was a witness against Mr. Smith. He also threw himself on the mercy of the court. Now, what did the court do? They immediately examined a Mr. Herbert, and another gentleman, as to this confession. The former stated, that he took the substance of the confession down in the negro's own language to a certain point; the rest was taken down by a gentleman whom I refrain from naming, but who, I am bound to say, deserves no great credit for the part which he acted in this unhappy scene. Jack, in this defence, thus prepared and thus anxiously certified, says, or is made to say, "I am satisfied I have had a fair trial. I have seen the anxiety with which every member of this court-martial has attended to the evidence, and the patience with which they have listened to my cross-examination of the witnesses. From the hour I was made prisoner by Captain M'Turk up to this time, I have received the most humane treatment from all the whites; nor have I had a single insulting expression from a white man, either in prison or anywhere else. Before this court I solemnly avow that many of the lessons and discourses taught, and the parts of Scripture selected for us in chapel, tended to make us dissatisfied with our situation as slaves; and, had there been no Methodists on the east coast, there would have been no revolt, as you must have discovered by the evidence before you: the deepest concerned in the revolt were the negroes most in Parson Smith's confidence. The half sort of instruction we received I now see was highly improper: it put those who could read on examining the Bible, and selecting passages applicable to our situation as slaves; and the promises held out therein, were, as we imagined, fit to be applied to our situation, and served to make us dissatisfied and irritated against our owners, as we were not always able to make out the real meaning of these passages: for this I refer to my brother-in-law, Bristol, if I am speaking the truth or not. I would

not have avowed this to you now, were I not sensible that I ought to make every atonement for my past conduct, and put you on your guard in future." Wonderful indeed are the effects of prison discipline within the tropics! I would my honourable friend, the member for Shrewsbury, were here to witness them. Little indeed does he dream of the sudden change which a few weeks of a West Indian dungeon can effect upon a poor, rude, untutored African! How swiftly it transmutes him into a reasoning, speculating creature; calmly philosophizing upon the evils of half education, and expressing himself in all but the words of our poet, upon the dangers of a little learning; yet evincing by his own example, contrary to the poet's maxim, how wholesome a shallow draught may prove when followed by the repose of the gaol! Sir, I defy the most simple of mankind to be for an instant deceived by this mean and clumsy fabrication. Every line of it speaks its origin, and demonstrates the base artifices to which the Missionary's enemies had recourse, by putting charges against him into the mouth of another prisoner, trembling upon his own trial, crouching beneath their remorseless power.

I have stated that, up to a certain point, the court received hearsay evidence, and with unrestricted liberality. But the time was soon to come when a new light should break in—the eyes of those just judges be opened to the strict rules of evidence,—and everything like hearsay be rejected. In page 116 I find that, when the prisoner was questioning Mr. Elliott as to what another person, Mr. Hopkinson, had said, an objection was taken, the court was cleared, and, on its being re-opened, the Assistant Judge-Advocate thus addressed Mr. Smith:—"The court has ordered me to say, that you must confine yourself to the strict rules of evidence; and that hearsay evidence will not IN FUTURE be received." Will not IN FUTURE be received!!! UP TO THAT PERIOD IT HAD BEEN RECEIVED; nay, the judges

themselves had put the very worst questions of that description. I say, that great as had been the blame due to the Judge-Advocate upon this occasion; violent, partial, unjust, and cruel as had been his conduct towards the prisoner; much as he had exceeded the limits of his duty; flagrantly as he had throughout wronged the prisoner in the discharge—I was about to say in the breach—of his official duty; and grievously culpable as were some other persons to whom I have alluded,—their conduct was decorous in itself, and harmless in its consequences, compared with the irregularity, the gross injustice of the judges who presided. Well, then, when the prosecutor's case was closed, and sufficient matter was supposed to have been obtained by the most unblushing contempt of all rules, from the cross-examination of the prisoner's witnesses, those same judges suddenly clothed themselves with the utmost respect for those same rules, in order to hamper the prisoner in his defence, which they had systematically violated in order to assist his prosecution. After admitting all hearsay, however remote,—after labouring to overwhelm him with rumour, and reputation, and reports of reputation, and insinuation at second hand,—they strictly prohibited everything like hearsay where it might avail him for his defence. Nay, in their eagerness to adopt the new course of proceeding, and strain the strict rules of law to the uttermost against him, they actually excluded, under the name of hearsay, that which was legitimate evidence. The very next question put by Mr. Smith went to show that he had not concealed the movements of the slaves from the manager of the estate; the principal charge against him being concealment from "the owners, managers, and other authorities." "Did any conversation pass on that occasion between Mr. Stewart, yourself, and the prisoner, relative to negroes; and if so, will you relate it?"—Rejected. "Did the prisoner tell Mr. Stewart that several of the negroes had been to

inquire concerning their freedom, which they found had come out for them?"—Rejected. These questions, and several others, which referred to the very essence of the charge against him, were rejected. How, then, can any effrontery make men say that this poor Missionary had an impartial trial? To crown so glaring an act of injustice can anything be wanting? But if it were, we have it here. The court resolved that its worst acts should not appear on the minutes: it suppressed those questions; and expunged also the decision, forbidding hearsay evidence FOR THE FUTURE! But the rule having, to crush the prisoner, been laid down, we might at least have expected that it would be adhered to. No such thing. The moment that an occasion presents itself, when the rule would hamper the prosecutor and the judges, they abandon it, and recur to their favourite hearsay. In the very next page, we find this question put by the court,—"Previous to your going to chapel, *were you told* that plenty of people were there on that day?" If hearsay evidence was thus received or rejected as best suited the purpose of compassing the prisoner's destruction, other violations of law, almost as flagrant, were resorted to, with the same view. Conversations with Mrs. Smith, in her husband's absence, were allowed to be detailed: the sentences passed upon five other persons previously tried, were put in, and, I should suppose, privately read by the court, as I find no allusion to them in the prisoner's most able and minute defence, which touches on every other particular of the case; and all mention of those sentences is suppressed in the minutes transmitted by the court. For the manifest purpose of blackening him in the eyes of the people, and with no earthly reference to the charges against him, a long examination is permitted into the supposed profits he made by a sale of Bibles, prayer and psalm-books, and catechisms; and into the donations he received from his negro flock, and the contributions he levied upon

them for church dues: every one tittle of which is satisfactorily answered and explained by the evidence, but every one tittle of which was wholly beside the question.

I find, Sir, that many material circumstances which occurred on the trial are altogether omitted in the House copy. I find that the evidence is garbled in many places, and that passages of the prisoner's defence are omitted; some because they were stated to be offensive to the Government,—others because they were said to be of a dangerous tendency,—others, again, because the court entertained a different opinion on certain points from the prisoner, or because they might seem to reflect upon the court itself. Mr. Smith was charged with corrupting the minds of the slaves, and enticing them to a breach of their duty, and of the law of the land, because he recommended to them not to violate the Sabbath. It was objected against him also by some, that he selected passages from the Old Testament; and by others, that he did not, as he ought, confine himself to certain parts of the New Testament: others, again, found fault with him for teaching the negroes to read the Bible. And when, in answer to these charges, he cited passages from the Bible in his defence, he was told that he must not quote Scripture, as it was supposed that every member of the court was perfectly acquainted with the sacred writings—a supposition which certainly does not occur to one on reading their proceedings. By others, again, this poor man was held up as an enthusiast, who performed his functions in a wild and irregular manner. It was said that his doctrines were of a nature to be highly injurious in any situation, but peculiarly so amongst a slave population. In proof of this assertion, it was stated, that the day before the revolt he preached from Luke xix. 41, 42—"And when He was come near, He beheld the city, and wept over it; saying, If thou hadst known, even thou, in

this thy day, the things which belong unto thy peace! but now they are hid from thine eyes." Thus was this passage, which has been truly described by the Rev. Mr. Austin as a text of singular beauty, turned into matter of accusation and reproach against this unfortunate Missionary. But if this text was held to be so dangerous — so productive of insubordination and rebellion—what would be said of the clergy of the Established Church, of whose doctrines no fear was entertained? The text chosen by Mr. Smith on this occasion appeared, to the heated imagination of his judges, to be one which endangered the peace of a slave community. Very different was the opinion of Mr. Austin, the colonial chaplain, who could not be considered as inflamed with any daring, enthusiastic, and perilous zeal. But what, I ask, might not the same alarmists have said of Mr. Austin, who, on that very day, the 17th of August, had to read, as indeed he was by the rubric bound to do, perhaps in the presence of a large body of black, white, and coloured persons, such passages as the following, which occur in one of the lessons of that day, the 14th chapter of Ezekiel:—"When the land sinneth against me by trespassing grievously, then I will stretch out mine hand upon it, and will break the staff of the bread thereof, and will send famine upon it, and will cut off man and beast from it." "Though these three men" (who might easily be supposed to be typical of Mr. Austin, Mr. Smith, and Mr. Elliott), "were in it, they shall deliver neither sons nor daughters: they only shall be delivered, but the land shall be desolate. Or if I bring a sword upon that land, and say, Sword, go through the land, so that I cut off man and beast from it; though these three men were in it, as I live, saith the Lord God, they shall deliver neither sons nor daughters; but they only shall be delivered themselves." Let me ask any impartial man if this is not a text much more likely to be mistaken than the other? And yet every

clergyman of the Established Church was bound to read it on that day in that colony.

The charges against Mr. Smith are four. The first states, that, long before the 18th of August, he had promoted discontent and dissatisfaction amongst the slaves against their lawful masters. This charge was clearly beyond the jurisdiction of the court; for it refers to matters before martial law was proclaimed, and consequently before Mr. Smith could be amenable to that law. Supposing that, as a court-martial, they had a right to try a clergyman for a civil offence, which I utterly deny, it could only be on the principle of martial law having been proclaimed that they were entitled to do so. The proclamation might place him, and every other man in the colony, in the situation of a soldier; but if he was to be considered as a soldier, it could only be after the 19th of August. Admitting, then, that the Rev. John Smith was a soldier, under the proclamation, he was not such on the 18th, on the 17th, nor at any time before the transactions which are called the revolt of Demerara; and yet it was upon such a charge that the court-martial thought proper to try him, and upon which alone it could try him, if it tried him at all. But they had no more right, I contend, to try him for things done before the 19th, in the character of a soldier liable to martial law, than they would have to try a man, who had enlisted to-day, for acts which he had committed the day before yesterday, according to the same code of military justice. The same reasoning applies to three of the four charges. There is only one charge, that of communicating with Quamina touching the revolt, which is in the least entitled to consideration; yet this very communication might have been to discourage, and not to excite or advise the revolt. In fact, it was clearly proved to have been undertaken for that purpose, notwithstanding the promises of the Judge-Advocate to prove the contrary. There are three things necessary to be established

before the guilt of this unfortunate man can be maintained on this charge; first, that Quamina was a revolter; secondly, that Mr. Smith knew him to be a revolter; and thirdly, that he had advised and encouraged him in the revolt;—for the misprision, the mere concealment, must be abandoned by those who support the sentence, inasmuch as misprision is not a capital offence. But all the evidence shows that Quamina did not appear in such a character—that Mr. Smith was ignorant of it even if he did—and that his communication was directed to discourage, and not to advise any rash step into which the sufferings of the slaves might lead them. As to his not having seized on Quamina, which is also made a charge, the answer which the poor man himself gave was a sufficient reply to any imputation of guilt that might be founded on this omission. "Look," said he, "on these limbs, feeble with disease, and say how was it possible for me to seize a powerful robust man like Quamina, inflamed with the desire of liberty, as that slave must have been if he were a revolter, even if I had been aware that he was about to head a revolt." But in truth there is not a tittle of evidence that Mr. Smith knew of the revolt; while there is abundant proof that he took especial measures and watchful care to tell all he did know to the proper authorities, the managers of the estate. If, again, the defenders of the court-martial retreat from this to the lower ground of mere concealment, and thus admit the illegality of the sentence in order to show something like matter of blame in the conduct of the accused, I meet them here as fearlessly upon the fact, as I have already done upon the law of their case; and I affirm, that he went the full length of stating to Mr. Stewart, the manager of the estate, his apprehensions with respect to the impending danger; that "the lawful owners, proprietors, and managers" *were* put upon their guard by him, and were indebted to his intelligence, instead of having a right to complain of

his remissness or disaffection; that he told all he knew, all he was entitled to consider as information (and no man is bound to tell mere vague suspicions, which cross his mind, and find no abiding place in it;) and that he only knew anything precise respecting the intentions of the insurgents from the letter delivered to him half an hour before the negroes were up in arms, and long after the movement was known to every manager in the neighbourhood. The court, then, having no jurisdiction to sit at all in judgment upon this preacher of the gospel—their own existence as a court of justice being wholly without the colour of lawful authority—tried him for things which, had they ever so lawful a title to try him, were wholly beyond their commission; and of those things no evidence was produced upon which any man could even suspect his guilt, if the jurisdiction had been ever so unquestionable, and the accused had been undeniably within its range. But in spite of all the facts—in spite of his well known character and upright conduct—it was necessary that he should be made an example for certain purposes; it was necessary that the missionaries should be taught in what an undertaking they had embarked; that they should be warned that it was at their peril they preached the gospel; that they should know it was at the hazard of their lives that they opened the Bible to their flocks; and therefore it was that the court-martial deemed it expedient to convict Mr. Smith, and to sentence him to be hanged by the neck until he was dead!

But the negroes, it seems, had grumbled at the reports which went abroad respecting their liberation by an act of his Majesty, and the opposition said to be given to it by their proprietors. Who propagated those reports? Certainly not Mr. Smith. It is clear that they originated, in one instance, from a servant who attended at the Governor's table, and who professed to have heard them in the conversations which took

place between the Governor and his guests. Another account was, that a kept woman had disclosed the secret, having learnt it from her keeper, Mr. Hamilton. The negroes naturally flocked together to inquire whether the reports were true or not; and Mr. Smith immediately communicated to their masters his apprehensions of what he had always supposed possible, seeing the oppression under which the slaves laboured, and knowing that they were men. But it is said, that at six o'clock on the Monday evening, one half-hour before the rebellion broke out, he did not disclose what he could not have known before,—namely, that a revolt was actually about to commence. Now, taking this fact, for the sake of argument, to be proved to its fullest extent, I say that a man convicted of misprision cannot by the law be hanged. The utmost possible vengeance of the law, according to the wildest dream of the highest prerogative lawyer, could not amount to anything like a sanction of this. Such I assert the law to be. I defy any man to contradict my assertion, that up to the present hour, no English lawyer ever heard of misprision of treason being treated as a capital offence; and that it would be just as legal to hang a man for a common assault. But if it be said that the punishment of death was awarded for having aided the revolt, I say the court did not, could not, believe this; and I produce the conduct of the judges themselves to confirm what I assert. They were bold enough in trying, and convicting, and condemning the victim whom they had lawlessly seized upon; but they trembled to execute a sentence so prodigiously illegal and unjust; and having declared that, in their consciences and on their oaths, they deemed him guilty of the worst of crimes, they all in one voice add, that they also deem him deserving of mercy in respect of his guilt! Is it possible to draw any other inference from this marvellous recommendation, than that they distrusted the sentence to which it was attached? When I see them affrighted by

their own proceedings—starting back at the sight of what they had not scrupled to do—can I give them credit for any fear of doing injustice; they who from the beginning to the end of their course had done nothing else? Can I believe that they paused upon the consummation of their work from any motive but a dread of its consequences to themselves; a recollection tardy, indeed, but appalling, that "Whoso sheddeth man's blood, by man shall his blood be shed?" And not without reason, not without irrefragable reason did they take the alarm; for verily if they HAD perpetrated the last act—if they had DARED to take this innocent man's life (one hair of whose head they durst not touch), they must THEMSELVES have died the death of the murderer! Monstrous as the whole proceedings were, and horrid as the sentence that closed them, there is nothing in the trial from first to last so astounding as this recommendation to mercy, coming from persons who affected to believe him guilty of such enormous crimes. If he was proved to have committed the offence of exciting the slaves to acts of bloodshed—if his judges believed him to have done what their sentence alleged against him—how unspeakably aggravated was his guilt, compared with that of the poor untutored slaves, whom he had misled from their duty under the pretext of teaching them religion! How justly might all the blood that was shed be laid upon his head! How fitly, if mercy was to prevail, might his deluded instruments be pardoned, and himself alone singled out for vengeance, as the author of their crimes? Yet they are cut off in hundreds by the hand of justice, and he is deemed an object of compassion!

How many victims were sacrificed we know not with precision. Such of them as underwent a trial before being put to death, were judged by this court-martial. Let us hope that they had a fair and impartial trial, more fair and more impartial than the violence of political party and the zeal of religious animosity granted

to their ill-fated pastor. But without nicely ascertaining how many fell in the field, or by the hands of the executioner, I fear we must admit that far more blood was thus spilt than a wise and a just policy required. Making every allowance for the alarms of the planters, and the necessity of strong measures to quell a revolt, it must be admitted, that no more examples should have been made than were absolutely necessary for this purpose. Yet, making every allowance for the agitation of men's minds at the moment of danger, and admitting (which is more difficult) that it extended to the colonial government, and did not subside when tranquillity was restored, no man can avoid suspecting, that the measure of punishment inflicted considerably surpassed the exigencies of the occasion. By the negroes, indeed, little blood had been shed at any period of the revolt, and in its commencement none at all: altogether only one person was killed by them. In this remarkable circumstance, the insurrection stands distinguished from every other movement of the kind in the history of colonial society. The slaves, inflamed by false hopes of freedom, agitated by rumours, and irritated by the suspense and ignorance in which they were kept, exasperated by ancient as well as more recent wrongs (for a sale of fifty or sixty of them had just been announced, and they were about to be violently separated and dispersed), were satisfied with combining not to work; and thus making their managers repair to the town, and ascertain the precise nature of the boon reported to have arrived from England. The calumniated minister had so far humanized his poor flock—his dangerous preaching had so enlightened them—the lessons of himself and his hated brethren had sunk so deep in their minds, that, by the testimony of the clergyman, and even of the overseers, the maxims of the gospel of peace were upon their lips in the midst of rebellion, and restrained their hands when no other force was present to resist them. "We will take no life," said they;

"for our pastors have taught us not to take that which we cannot give;"—a memorable peculiarity, to be found in no other passage of negro warfare within the West Indian seas, and which drew from the truly pious minister of the Established Church the exclamation, that "He shuddered to write that they were seeking the life of the man whose teaching had saved theirs!" But it was deemed fitting to make tremendous examples of those unhappy creatures. Considerably above a hundred fell in the field, where *they* did not succeed in putting one soldier to death. A number of the prisoners also, it is said, were hastily drawn out, at the close of the affray, and instantly shot. How many, in the whole, have since perished by sentences of the court, does not appear; but up to a day in September, as I learn by the *Gazette* which I hold in my hand, forty-seven had been executed. A more horrid tale of blood yet remains to be told. Within the short space of a week, as appears by the same document, ten had been torn in pieces by the lash: some of these had been condemned to six or seven hundred lashes; five to one thousand each; of which inhuman torture one had received the whole, and two almost the whole at once. In deploring this ill-judged severity, I speak far more out of regard to the masters than the slaves. Yielding thus unreservedly to the influence of alarm, they have not only covered themselves with disgrace, but they may, if cooler heads and steadier hands control them not, place in jeopardy the life of every white man in the Antilles. Look now to the incredible inconsistency of the authorities by whom such retribution was dealt out, while they recommend *him* to mercy, whom in the same breath they pronounced a thousand times more guilty than the slaves. Can any man doubt for an instant that they knew him to be innocent, but were minded to condemn, stigmatize, and degrade him, because they durst not take his life, and yet were resolved to make an example of him as a preacher?

The whole proceedings demonstrate the hatred of his persecutors to be levelled at his calling and his ministry. He is denounced for reading the Old Testament; charged with dwelling upon parts of the New; accused of selling religious tracts; blamed for collecting his hearers to the sacrament and catechism; all under various pretences, as that the texts were ill chosen—the books sold too dear—the communicants made to pay high dues. Nay, for teaching obedience to the law which commands to keep holy the Sabbath, he is directly, and without any disguise, branded as the sower of sedition. Upon this overt act of rebellion against all law, human and divine, a large portion of the prosecutor's invectives and of his evidence is bestowed. What though the Reverend Defendant showed clearly, out of the mouths of his adversary's witnesses, that he had uniformily taught the negroes to obey their masters, even if ordered by them to break the rest of the Sabbath; that he had expressly inculcated the maxim, Nothing is wrong in you which your master commands; and nothing amiss in him which necessity prescribes? What though he reminded the court, that the seventh day, which he was charged with taking from the slaves, was not his to give or to withhold; that it had been hallowed by the Divine Lawgiver to his own use, and exempted in terms from the work of slave as well as master—of beast as well as man? He is arraigned as a promoter of discontent, because he, the religious instructor of the negroes, enjoins them to keep the Sabbath holy, when their owners allow them no other day for working; because he, a minister of the gospel, preaches a duty prescribed by the laws of religion and by the laws of the land, while the planters live in the contempt of it. In short, no man can cast his eye upon this trial, without perceiving that it was intended to bring on an issue between the system of the slave law and the instruction of the negroes. The exemplar which these misguided men seem to have set

before them is that of their French brethren in St. Domingo: one of whom, exulting in the expulsion of the Jesuits, enumerates the mischiefs occasioned by their labours. "They preached," says he, "they assembled the negroes, made the masters relax in their exactions, catechized the slaves, sung psalms, and confessed them." "Since their banishment," he adds, "marriages are rare; the negroes no longer make houses for themselves apart: it is no longer allowable for two slaves to separate for ever their interest and safety from that of the gang" (a curious circumlocutory form of speech to express the married state). "No more public worship!" he triumphantly exclaims, "no more meetings in congregation! no psalm-singing, nor sermons for them!" "But they are still catechized; and may, on paying for it, have themselves baptized three or four times" (upon the principle, I suppose, that, like inoculation, it is safer to repeat it). In the self-same spirit the Demerara public meeting of the 24th of February 1824, resolved forthwith to petition the Court of Policy "to expel all missionaries from the colony, and to pass a law prohibiting their admission for the future." Nor let it be said, that this determination arose out of hatred towards sectaries or was engendered by the late occurrences. In 1808, the *Royal Gazette* promulgated this doctrine, worthy of all attention: "He that chooses to make slaves Christians, let him give them their liberty. What will be the consequence when to that class of men is given the title of BELOVED BRETHREN as actually is done? Assembling negroes in places of worship gives a momentary feeling of independence both of thinking and acting, and by frequent meetings of this kind a spirit of remark is generated; neither of which are sensations at all proper to be excited in the minds of slaves." Again, in 1823, says the Government paper, "To address a promiscuous audience of black or coloured people, bond and free, by the endearing appellation of 'My brethren and

sisters,' is what can nowhere be heard except in Providence Chapel;"—a proof how regularly this adversary of sectarian usages had attended the service of the church. - And, in February last, the same judicious authority, in discussing the causes of the discontents, and the remedy to be applied, thus proceeds:—"It is most unfortunate for the cause of the planters, that they did not speak out in time. They did not say, as they *ought* to have said, to the first advocates of missions and *education*, We shall not tolerate your plans till you prove to us that they are safe and necessary; we shall not suffer you to enlighten our slaves, *who are by law our property*, till you can demonstrate that when they are made religious and knowing they will still continue to be our slaves."—"In what a perplexing predicament do the colonial proprietors now stand! Can the march of events be possibly arrested! Shall they be allowed to shut up the chapels, and *banish the preachers and schoolmasters*, and keep the slaves in ignorance? This would, indeed, be an effectual remedy; *but there is no hope of its being applied!!!*" —"The obvious conclusion is this,—*Slavery must exist as it now is, or it will not exist at all.*" "If we expect to create a community of *reading, moral, church-going* slaves, we are wofully mistaken."—Ignorant! oh, profoundly ignorant, of the things that belong to their PEACE! may we truly say, in the words of the Missionary's beautiful text,—to that peace, the disturbance of which they deem the last of evils. Were there not dangers enough besetting them on every side without this? The frame of West Indian society, that monstrous birth of the accursed slave trade, is so feeble in itself, and, at the same time, surrounded with such perils from without, that barely to support it demands the most temperate judgment, the steadiest and the most skilful hand; and, with all our discretion, and firmness, and dexterity, its continued existence seems little less than a miracle. The neces-

sary hazards, to which, by its very constitution, it is hourly exposed, are sufficient, one should think, to satiate the most greedy appetite for difficulties—to quench the most chivalrous passion for dangers. Enough that a handful of slave-owners are scattered among myriads of slaves—enough, that in their nearest neighbourhood a commonwealth of those slaves is now seated triumphant upon the ruined tyranny of their slaughtered masters — enough, that, exposed to this frightful enemy from within and without, the planters are cut off from all help by the ocean. But to odds so fearful, these deluded men must needs add new perils absolutely overwhelming! By a bond, which nature has drawn with her own hand, and both hemispheres have witnessed, they find leagued against them every shade of the African race, every description of those swarthy hordes, from the peaceful Eboe to the fiery Koromantyn. And they must now combine in the same hatred the Christians of the old world with the Pagans of the new! Barely able to restrain the natural love of freedom, they must mingle it with the enthusiasm of religion,—vainly imagining that spiritual thraldom will make personal subjection more bearable; —wildly hoping to bridle the strongest of the human passions, in union and in excess,—the desire of liberty irritated by despair, and the fervour of religious zeal by persecution exasperated to frenzy. But I call upon Parliament to rescue the West Indies from the horrors of such a policy; to deliver those misguided men from their own hands. I call upon you to interpose while it is yet time to save the West Indies; first of all, the negroes, the most numerous class of our fellow-subjects, and entitled beyond every other to our care by a claim which honourable minds will most readily admit,— their countless wrongs, borne with such forbearance, such meekness, while the most dreadful retaliation was within their grasp; next, their masters, whose short-sighted violence is, indeed, hurtful to their slaves, but

to themselves is fraught with fearful and speedy destruction, if you do not at once make your voice heard and your authority felt, where both have been so long despised.

I move you, "That an humble Address be presented to his Majesty, setting forth, that the House, having taken into their most serious consideration the proceedings which had taken place on the trial of the Reverend John Smith, at Demerara, contemplated with the most serious alarm the violation of law and justice which had there been committed; and they did earnestly pray, that his Majesty would be most graciously pleased to give orders for such an impartial and humane administration of the law in that colony as may secure the rights not only of the negroes but of the planters themselves."

REPLY.

I DO assure the House, that I feel great regret at having to address them again so late in the night; but, considering the importance of the case, I cannot be satisfied to let it rest where it is, without trespassing upon their patience for a short time—and it shall be for as short a time as possible: indeed, that I rise at all is chiefly in consequence of the somewhat new shape into which the proposition of the right honourable gentleman opposite* has thrown the question. For, Sir, as to the question itself, on the merits of which I before presumed at such length on the indulgence of the House, not only have I heard nothing to shake the opinion which I originally expressed, or to meet the arguments which I feebly endeavoured to advance in its support, but I am seconded by the admissions of those who would resist the motion: for, beside the powerful assistance I have had the happiness of receiving from my honourable and learned friends on the benches around me, and who, one after another, have distinguished themselves in a manner never to be forgotten in this House, or by their country†—men of all classes, and of all parties, without regard to difference of political sentiments or of religious persuasion, will

* Mr. Canning.

† Mr. (now Lord Chief Justice) Denman; Mr. (now Mr. Justice) Williams; Sir James Mackintosh, and Dr. Lushington. The speeches of the two former have already been mentioned. Dr. Lushington's was of very great merit. Sir J. Mackintosh's was excellent also.

hold them in lasting remembrance, and pronounce their honoured names with unceasing gratitude, for the invaluable service which their brilliant talents and honest zeal have rendered to the cause of truth and justice. —Beside this, what have I on the other side? Great ability, no doubt, displayed—much learning exhibited —men of known expertness and high official authority put in requisition—others for the first time brought forward in debate—an honourable and learned friend of mine, for whom I have the most sincere esteem, and the best grounded, because it rests on a long and intimate knowledge of his worth, and of those talents and accomplishments of which I did not for the first time to-night witness the exhibition, although they have now first met the universal admiration of this House;*—yet with all those talents, and all that research from him and from others who followed him, instead of an answer, instead of anything to controvert the positions I set out with, I find support. I have an admission—for it amounts to nothing less than an admission—a confession—a plea of guilty, with a recommendation to mercy.

We have an argument in mitigation of the punishment of this court-martial, and of the government who put their proceedings in motion—nothing against Mr. Smith, nothing on the merits or in favour of those proceedings. An attempt, no doubt, was made, by my honourable and learned friend the Attorney-General,† to go a little farther than any other gentleman who has addressed the House. He would fain have stept beyond the argument which alone has been urged from all other quarters against this poor Missionary, and would have attempted to show that there was some foundation for the charge which makes him an accom-

* Mr. (now Lord Chief Justice) Tindal, who then first spoke in Parliament.

† Sir J. Copley (now Lord Lyndhurst), who spoke with his accustomed ability.

plice as well as guilty of misprision: all others, as well of the legal profession as laymen, and particularly the Secretary of State,* who spoke last but one, have at once abandoned, as utterly desperate, each and every of the charges against Mr. Smith, except that of misprision; and even this they do not venture very stoutly to assert. "It is something like a misprision," says the right honourable Secretary;—for the House will observe, that he will not take upon himself to say that the party *had* been guilty of misprision of treason, strictly so called. He would not attempt to say there was any treason in existence, of which a guilty concealment could take place; still less would he undertake to affirm (which is, however, necessary, in order to make it misprision at all) that Mr. Smith had known a treason to exist in a specific and tangible shape, and that after this knowledge was conveyed to him, he had sunk it in his own breast instead of divulging it to the proper authorities.

All the charge was this—in this it began, in this it centered, in this it ended: "I cannot help thinking," said the right honourable gentleman, "when I take everything into consideration, whatever may be the facts as to the rest of the case—I cannot get out of my mind the *impression*, that, somehow or other, he must have known that all was not right; must have suspected that there might be *something wrong;* and knowing, or suspecting, there was *something wrong*, he did not communicate that *something* to the lawful authorities!" My honourable and learned friend,† indeed, went a little farther: he felt as a lawyer, that this was not enough, and particularly when we are talking, not merely of a crime, but of a capital crime —not merely of a charge of guilty, and of "*something wrong*," and of having a misgiving in your mind that

* Mr. Canning, who moved the previous question after Mr. (now Sir R.) Wilmot Horton had met the motion with a negative.

† The Attorney-General.

that "*something wrong*" was known to him, and being known to him, was concealed by him;—but that on this *something* was to be founded, not barely an accusation of wrong-doing, but a charge of criminality; and not merely a charge, but a conviction; and not merely a conviction of guilt, but a conviction of the highest guilt known to the law of this or of any country; and a sentence of death following that capital conviction; and that ignominious sentence standing unrepealed, though unexecuted; sanctioned, nay, adopted by the government of this country, because suffered to remain unrescinded; and carried into effect, as far as its authors durst themselves give it operation, by treating its object as a criminal, and making *him* owe his escape to mercy, who was entitled to absolute acquittal. Accordingly, what says my honourable friend,* in order to show that there was some foundation for those proceedings? He feels that English law will not do; that is quite out of the question; so does the Attorney-General. Therefore forth comes their Dutch code; and upon it they are fain, at least for a season, to rely. They say, "True it is, all this would have been too monstrous to be for one instant endured in any court in England;—true, there is nothing like a capital crime committed here;—certain it is, if treason had been committed by some men conspiring the death of the king; if an overt act had been proved; if the very bond of the conspirators had been produced, with their seals, in court, to convict them of this treason; and if another man, namely, Smith, had been proved to have known it, to have seen the bond with the seals and the names of the conspirators upon it, had been the confidential depositary of their secret treasons, and had done all but make himself their accomplice, he might have known it, he might have seen its details in black and white, he might have had it communicated to him by

* Mr. Tindal.

word or by writing, he might have had as accurate knowledge of it as any man has of his own household, and he might have buried the secret in his own breast, so that no one should learn it until the design, well matured, was at length carried openly into execution; and yet that knowledge and concealment, that misprision of treason, could not by possibility have subjected him to capital punishment in any English court of justice!"

This they know, and this they admit; and the question being, What shall we do, and how shall we express our opinion on the conduct of a court-martial, which, having no jurisdiction with respect to the offence, even if the person of the prisoner had been under their authority, chose to try him over whom they had no jurisdiction of whatever offence he might be accused;—and, moreover, to try him capitally for an offence for which no capital sentence could be passed, even if the party had been amenable to their jurisdiction, and if, when put upon his trial, he had at once pleaded guilty, and confessed that he had committed all he was accused of a hundred times over — this being the question before the House,—my honourable and learned friends being called upon to say how we shall deal with those who first arrogate to themselves an authority utterly unlawful, and then sentence a man whom they had no pretence for trying, to be hanged for that which he never did, but which, had he done it, is not a capital crime:—such being the question, the gentlemen on the other side, feeling the pinch of it, and aware that there is no warrant for such a sentence in the English law, betake themselves to the Dutch, contending that it punishes misprision with death.

But here my honourable friend* gets into a difficulty, which all his acuteness only enables him to see the more clearly that there is no struggling against,

* Mr. Tindal.

and from which, the whole resources of his learning have no power to extricate him. Nay—I speak it with the most sincere respect for him—I was not the only person who felt, as he was going on, that in this part of his progress he seemed oppressed with the nature of his task, and, far from getting over the ground with as easy a pace and as firm a footstep as usual, he hesitated, and even stumbled; as if unaware beforehand of the slipperiness of the path, and only sensible of the kind of work he had undertaken when already in the midst of it. The difficulty, the insurmountable difficulty, is this: You must choose between jurisdiction to try at all, and power to punish misprision capitally; both you cannot have by the same law. If the Dutch law make the crime capital, which the English does not, the Dutch law gives you no right to try by a military tribunal. The English law it was that alone could make the court-martial legal; so, at least, the court and the prosecutor say. "Necessity," they assert, "has no law—proclaim martial law, every man is a soldier, and amenable to a military court." They may be right in this position, or they may be wrong; but it is their only defence of the jurisdiction which they assumed. By the law of England, then, not of Holland, was the court assembled. According to English forms it sate; to English law principles it affected to square its modes of proceeding; to authorities of English law it constantly appealed. Here, indeed, this night, we have heard Dutch jurists cited in ample profusion; the erudite Van Schooten, the weighty Voetius, the luminous Huber, ornaments of the Batavian school—and Dommât, who is neither Dutch nor English, but merely French, and therefore has as much to do with the question, in any conceivable view, as if he were a Mogul doctor; yet his name too is brandished before us, as if to show the exuberance and variety of the stores at the command of my honourable and learned friends.

But was any whisper of all this Hollandish learning

ever heard in the court itself? Was it on those worthies that the parties themselves relied, for whom the fertile and lettered invention of the gentlemen opposite is now so nimbly forging excuses? No such thing. They appealed to the Institutes of that far-famed counsellor of justice, Blackstone; the edict of the States-General, commonly called the "Mutiny Act;" the Crown Law of that elaborate commentator of Rotterdam, Hawkins; and the more modern tractate upon Evidence of my excellent friend, the very learned Professor Phillips of Leyden. It is to these authorities that the Judge-Advocate, or rather the many Judge-Advocates who were let loose upon the prisoner, constantly make their appeal; with quotations from these laws and these text-writers that they garnish their arguments; and Voet, and Van Schooten, and Huber, are no more mentioned than if they had never existed, or Guiana had never been a colony of the Dutch. Thus, then, in order to get jurisdiction, without which you cannot proceed one step, because the whole is wrong from the beginning if you have it not, you must abandon your Dutch authors, leave your foreign codes, and be content with that rude, old-fashioned system, part written, part traditional, the half-Norman half-Saxon code, which we are wont (and no man more than my honourable and learned friend, himself one of its choicest expounders) to respect, under the name of the old every-day law of England. Without that you cannot stir one step. Having gotten your foot on that, you have something like a jurisdiction, or at least a claim to a jurisdiction, for the court-martial. But, then, what becomes of your capital punishment? Where is your power of putting to death for misprision? Because, the instant you abandon the Dutch law, away goes capital punishment for misprision; and if you acquit this court-martial of the monstrous solecism (I purposely avoid giving it a worse name) of having pronounced sentence of death for a clergyable offence,

you can only do so by having recourse to the Dutch law, and then away goes the jurisdiction:—so that the one law takes from you the jurisdiction—the authority to try at all;—and the other takes away the right to punish as you have punished. Between the horns of this dilemma I leave my honourable and learned friend, as I must of necessity leave him where he has chosen to plant himself; suspended in such a fashion that he can never, by any possibility, quit the one point, without instantly being transfixed upon the other.

Now, this is no immaterial part of the argument; on the contrary, it lies at the foundation of the whole; and I cannot help thinking that the practised understanding of my other learned friend * perceived its great importance, and had some misgivings that it must prove decisive of the question; for he applied himself to strengthen the weak part, to find some way by which he might steer out of the dilemma—some middle course, which might enable him to obtain the jurisdiction from one law, and the capital punishment from the other. Thus, according to him, you must neither proceed entirely by the Dutch, nor yet entirely by the English law, but just take from each what suits your immediate purpose, pursuing it no farther than the necessities of your case require, and the flaws in that case render safe. The English law gives you jurisdiction: use it then to open the doors: but, having them thus flung open, allow not to enter the gracious figure of English justice, with those forms, the handmaids that attend her. Make way for the body of Dutch jurisprudence, and enthrone her, surrounded with her ministers, the Hubers, and Voets, and Van Schootens. Now this mode of treating a difficulty is one of the most ordinary, and among the least excusable of all sophisms; it is that by which, in order to get rid of an absurdity inherent in any proposition, we arbitrarily and gra-

* The Attorney-General.

tuitously alter its terms, as soon as we perceive the contradictory results to which it necessarily leads; carving and moulding our data at pleasure; not before the argument begins, but after the consequences are perceived. The alteration suddenly made arises, not out of the argument, or the facts, or the nature of things; but is made violently, and because there is no doing without it; and it is never thought of till this necessity is discovered. Thus, no one ever dreamt of calling in the Dutch code, till better lawyers than the court-martial found that the English law condemned half their proceedings; and then the English was abandoned, until it was perceived that the other half stood condemned by the Dutch. Therefore a third expedient is resorted to, that of a party-coloured code; the law under which they claim their justification is to be part Dutch, when that will suit; part English, when they can't get on without it; something compounded of both, and very little like either;—showing to demonstration that they acted without any law, or only set about discovering by what law they acted after their conduct was impeached; and then were forced to fabricate a new law to suit their proceedings, instead of having squared those proceedings to any known rule of any existing law on the face of the earth.

To put all such arbitrary assumptions at once to flight, I need only remind the House how the jurists of Demerara treated the Dutch law. Admitting, for argument's sake, that the doors of the court were opened by the English law giving them jurisdiction, then that by violence the Dutch law was forced through the door, and made to preside, of course we shall find all appeal to English statutes, and forms, and common law, cease from the instant that they have served their purpose of giving jurisdiction, and everything will be conducted upon Dutch principles. Was it so? Was any mention made, from beginning to end, of Dutch rules or Dutch forms? Was there a word quoted of

those works now so glibly referred to? Was there a single name pronounced of those authorities, for the first time cited in this House to-night? Nothing of the kind. All was English, from first to last: all the laws appealed to on either side, all the writers quoted, all the principles laid down, without a single exception, were the same that would have been resorted to in any court sitting in this country; and the court-martial were content to rest their proceedings upon our own law, and to be an English judicature, or to be nothing at all.

Sir, I rejoice (well knowing that a legal argument, whether Dutch or English, or, like the doctrine I have been combating, made up of both, is at all times very little of a favourite with this House, and less than ever at the hour of the morning to which we are now approaching), I rejoice greatly that what I have said, coupled with the far more luminous and cogent reasons which have been urged by my honourable and learned friends around me, may suffice to settle the point of law, and relieve me from the necessity of detaining you longer upon so dry a part of the question. My only excuse for having gone so far into it, is its intimate connexion with the defence of the court-martial, of whose case it indeed forms the very corner-stone. And now, in passing to the merits of the inquiry, before that court, I have to wish that my honourable and learned friend, the member for Peterborough* was here in his place; that, after the example of others who have gone before me, I too might in my turn have taken the opportunity of paying my respects to him. But, if he has gone himself, he has left a worthy representative in the honourable Under Secretary for colonial affairs,† by whom, in the quality for which his very remarkable speech the other night shone conspicuous—I mean, an entire ignorance of the facts of

* Mr. Scarlett. † Mr. (now Sir R.) Wilmot Horton.

the case—he is, I will not say out-done, because that may safely be pronounced to be beyond the power of any man, but almost, if not altogether, equalled. There was, however, this difference between the two, that the honourable Under Secretary, with a gravity quite imposing, described the great pains he had taken to master the details of the subject, whereas my honourable and learned friend avowed that he considered it as a matter which any one might take up at an odd moment during the debate; that, accordingly, he had come down to the House perfectly ignorant of the whole question, and been content to pick up what he could, while the discussion went on, partly by listening, partly by reading. I would most readily have taken his word for this, as I would for anything else he chose to assert; but if that had not been sufficient, his speech would have proved it to demonstration. If, as he says, he came down in a state of entire ignorance, assuredly he had not mended his condition by the sort of attention he might have given to the question in his place,—unless a man can be said to change his ignorance for the better, by gaining a kind of half-blind, left-handed knowledge, which is worse than ignorance, as it is safer to be uninformed than misinformed.

In this respect, too, the right honourable Secretary of State* is his worthy successor; for the pains which he has taken to inform himself, seem but to have led him the more widely astray. I protest I never in my life witnessed such an elaborate neglect of the evidence as pervaded the latter part of his speech, which affected to discuss it. He appeared to have got as far wrong, without the same bias, as my honourable and learned friend was led by the jaundiced eye with which he naturally enough views such questions, from his West Indian connexions, and the recollections associated with the place of his birth and the scene of his earliest years.

* Mr. Canning.

Without any such excuse from nature, the right honourable Secretary labours to be in the wrong, and is eminently successful. His argument against Mr. Smith rests upon the assumption that he had an accurate knowledge of a plot, which the right honourable Secretary by another assumption supposes to have been proved; and he assumes that Mr. Smith had this knowledge twenty-four hours before he could possibly have known anything of the matter. Everything turns upon this; and whoever has read the evidence with attention, is perfectly aware that this is the fact. Tell me not of Jacky Reed's letter, which was communicated to him on Monday evening at six o'clock, or later! Talk not to me of going to the constituted authorities as soon as he knew of a revolt! If he had known it the night before; if he had been aware of the design before the insurrection broke out—then, indeed, there might have been some ground for speaking about concealment. If he had obtained any previous intelligence, though nothing had been confided to him, by a figure of speech we might have talked of concealment—hardly of misprision. But when did the note reach him? The only discrepancy in the evidence is, that one witness says it was delivered at six o'clock, and he was the bearer of it; while another, ascertaining the time by circumstances, which are much less likely to deceive than the vague recollection of an hour, fixes the moment, by saying that it was at night-fall, half an hour later. But take it at the earliest period, and let it be six o'clock. When did the revolt break out? I hear it said, at half-past six. No such thing: it broke out at half-past three: aye, and earlier. Look at the fifteenth page of the evidence, and you will find one witness speaking to what happened at half-past three, and another at half-past four. A most important step had then been taken. Quamina and Jack, the two alleged ringleaders—one of them, Jack, unquestionably was the contriver of the whole movement, or resolution

to strike work, or call it what you will; and Quamina was suspected—and I believe the suspicion to have been utterly groundless; nor have I yet heard, throughout the whole proceedings, a word to confirm it—but both these men, the real and the supposed ringleader, had been actually in custody for the revolt, nay, had been both arrested for the revolt and rescued by the revolters, two or three hours before the letter came into Mr. Smith's hands! It is for not disclosing this, which all the world knew better than himself—for not telling them at night what they knew in the afternoon—that he is to be blamed! Why go and communicate to a man that the sun is shining at twelve o'clock in the day? Why tell this House that these candles are burning; that we are sitting in a great crowd, in no very pleasant atmosphere, and listening to a tedious speech? Why state things which were as plain as the daylight, and which every one knew better and earlier than Mr. Smith himself? He was walking with his wife under his arm, say the witnesses; he should have walked away with her, or hired a horse and rode to Georgetown, says the right honourable Secretary. Why, this would have been, at the least, only doing what was manifestly superfluous, and, because superfluous, ridiculous. But in the feeling which then prevailed; in the irritation of men's minds; in the exasperation towards himself, which, I am sorry to say, had been too plainly manifested; I believe such a folly would not have been considered as superfluous only: he would have been asked, "Why are you meddling? what are you interfering about? keep you quiet at your own house: if you are indeed a peaceable Missionary, don't enter into quarrels you have no concern in, or busy yourself with other people's matters." Answers of that kind he had received before: rebuffs had been given him of a kind which might induce him to take an opposite course: not a fortnight previous to that very night he had been so treated. I, for one, am not the man to marvel that

he kept himself still at his house, instead of going forth to tell tales which all the world knew, and to give information, extremely unlike that which the evidence would have communicated to the honourable Under Secretary, if he had read it correctly; and to the member for Peterborough, if he had read it at all. It would have informed no one, because all knew it.

But, says the right honourable gentleman,* why did not this Missionary, if he would not fly to the destruction of his friends upon some vague surmise—if he would not make haste to denounce his flock upon rumour or suspicion—if he would not tell that which he did not know—if he would not communicate a treason which probably had no existence, which certainly did not to his knowledge exist—if he would not disclose secrets which no man had entrusted to him—if he would not betray a confidence which no mortal had ever reposed in him—(for that is the state of the case up to the delivery of Jacky Reed's letter; that is the precise state of the case at the time of receiving the letter);—if he did not please to do all these impossibilities, there was one possibility, it seems, and that mentioned for the first time to-night (I know not when it was discovered), which he might do: Why did he not go forth into the field, when the negroes were all there, rebellious and in arms—some arrested and rescued, others taken by the insurgents and carried back into the woods—why did he not proceed where he could not take a step, according to the same authority that suggests such an operation, without seeing multitudes of martial slaves—why not, in this favourable state of things, at this very opportune moment, at a crisis so auspicious for the exertions of a peaceful Missionary among his enraged flock—why not greedily seize such a moment, to reason with them, to open his Bible to them, to exhort them, and instruct them, and

* Mr. Canning.

catechize them, and, in fine, take all those steps for having pursued which, in a season of profound tranquillity, he was brought into peril of his life!—wherefore not now renew that teaching and preaching to them, for which, and for nothing else, he was condemned to death, his exhausted frame subjected to lingering torture, and his memory blighted with the name of traitor and felon! Why, he was wise in not doing this! If he had made any such unseasonable and wild attempts, we might now think it only folly, and might be disposed to laugh at the ridiculous project; but at that moment of excitement, when the exasperation of his enemies had waxed to such a height as he knew it to have reached against him, and men's minds were in a state of feverish alarm that made each one deem every other he met his foe, and all who were in any manner of way connected with plantations fancied they saw the very head and ringleader of their common enemy in whatever bore the shape of a Christian pastor—(this Mr. Smith knew independent of his personal experience, independent of experience the most recent—experience within the last fortnight from the time when such courses are pointed out as rational, nay, obvious and necessary);—but if, with only his own general knowledge of the state of society, the recollection of what had happened to him in former times, and the impression which every page of his journal proves to have been the genuine result of all he saw daily passing before his eyes—if, in such a crisis, and with this knowledge, he had fared forth upon the hopeless errand of preaching peace, when the cutlasses of the insurgents were glancing in his eyes, I say he would not merely have exposed himself to the just imputation of insanity from the candid and reflecting, but have encountered, and for that reason encountered the persecutions of those who now, with monstrous inconsistency, blame him for not employing his pastoral authority to restrain a rebellious multitude, and who pursued

him to the death for teaching his flock the lessons of forbearance and peace!

Sir, I am told that it is unjust to censure the court-martial so vehemently as I propose doing in the motion before you: and, really, to hear gentlemen talk of it, one would imagine that it charged enormous crimes in direct terms. Some have argued as if murder were plainly imputed to the court: They have confounded together the different parts of the argument urged in support of the motion, and then imported into the motion itself that confusion, the work of their own brains. But even if the accusations of which they complain had been preferred in the speeches that introduced or supported the proposition, could anything be conceived more grossly absurd than to decide as if you were called upon to adopt or reject the speeches, and not the motion, which alone is the subject of the vote? Truly this would be a mode of reasoning surpassing anything the most unfair and illogical that I have ever heard attempted even in this place, where I have certainly heard at times reasonings not to be met with elsewhere. The motion conveys a censure, I admit; but in my humble opinion, a temperate and a mitigated censure. The law has been broken; justice has been outraged. Whoso believes not in this, let him not vote for the motion. But whosoever believes that a gross breach of the law has been committed; that a flagrant violation of justice has been perpetrated; is it asking too much at the hands of that man, to demand that he honestly speak his mind, and record his sentiments by his vote? In former times, be it remembered, this House of Paliament has not scrupled to express, in words far more stringent than any you are now required to adopt, its sense of proceedings displaying the triumph of oppression over the law. When there came before the legislature a case remarkable in itself; for its consequences yet more momentous; resembling the present in many points; to the very letter in some things

resembling it—I mean, the trial of Sydney—did our illustrious predecessors within these walls shrink back from the honest and manly declaration of their opinion in words suited to the occasion, and screen themselves behind such tender phrases as are to-night resorted to? "Don't be too violent—pray be civil—do be gentle—there has only been a man murdered, nothing more—a total breach of all law to be sure; an utter contempt, no doubt, of justice, and everything like it, in form as well as in substance; but that's all; surely, then, you will be meek, and patient, and forbearing, as were the Demerara judges to this poor Missionary; against whom, if somewhat was done, a great deal more was meditated than they durst openly perpetrate; but who, being condemned to die in despite of law and evidence, was only put to death by slow and wanton severity!"—In those days no such language was holden. On that memorable occasion plain terms were not deemed too strong when severe truth was to be recorded. The word "*murder*" was used, because the deed of blood had been done. The word "*murder*" was not reckoned too uncourtly in a place where decorum is studied somewhat more scrupulously than even here: on the journals of the other House stands the appointment of Lords Committees, "to inquire of the advisers and prosecutors of the *murder* of Lord Russell and Colonel Sydney:" and their Lordships make a report, upon which the statute is passed to reverse those execrable attainders. I will not enter into any detailed comparison of the two cases, which might be thought fanciful; but I would remind the House, that no legal evidence was given of Mr. Smith's handwriting in his journal, any more than of Sydney's in his manuscript Discourse on Government. Every lawyer, who reads the trial, must at once perceive this. The witness who swears to Mr. Smith's hand, cannot say that he ever saw him write; and when asked how he knows, the court say "that question is unnecessary, because he has said he knows the

hand!" although all the ground of knowledge he had stated was having received letters from him, without a syllable of having afterwards seen him to ascertain that they were his, or having written in answer to them, or otherwise acted upon them. Now, in Sydney's case, there was an endorsement on bills of exchange produced, and those bills had been paid, nevertheless, Parliament pronounced his conviction murder, for this, among other reasons, that such evidence had been received. The outrageous contempt of the most established rules of evidence, to which I am alluding, was indeed committed by a court of fourteen military officers, ignorant of the law; but, that their own deficiencies might be supplied, they had joined with them the first legal authority of the colony. Why then did they not avail themselves of Mr. President Wray's knowledge and experience? Why did they overrule by their numbers what he MUST have laid down to them as the law? I agree entirely with my honourable and learned friend* that the president must have protested strenuously against such proceedings. I take for granted, as a matter of course, that he resisted them to the utmost of his power. My honourable friend and I have too good an opinion of that learned judge, and are too well persuaded of his skill in our common profession, to have a doubt in our minds of his being as much astonished at those strange things as any man who now hears of them; and far more shocked, because they were done before his eyes; and, though really in spite of his efforts to prevent them, yet clothed in outward appearance with the sanction of his authority.

In Sydney's case, another ground of objection at the trial, and of reprobation ever afterwards, was the seizure and production of his private manuscript, which he described in eloquent and touching terms, as containing "sacred truths and hints that came into his mind, and

* Mr. Scarlett.

were designed for the cultivation of his understanding, nor intended to be as yet made public." Recollect the seizure and production of the Missionary's journal; to which the same objection and the same reprobation is applicable; with this only difference, that Sydney avowed the intention of eventually publishing his Discourse, while Mr. Smith's papers were prepared to meet no mortal eye but his own.—In how many other particulars do these two memorable trials agree! The Preamble of the Act rescinding the attainder seems almost framed to describe the proceedings of the court at Demerara. Admission of hearsay evidence; allowing matters to be law for one party, and refusing to the other the benefit of the same law; wresting the evidence against the prisoner; permitting proof by comparison of hands—all these enormities are to be found in both causes.

But, Sir, the demeanour of the judges after the close of the proceedings, I grieve to say it, completes the parallel. The Chief Justice who presided, and whom a profligate government made the instrument of Sydney's destruction, it is stated in our most common books—Collins, and, I believe, also Rapin—"when he allowed the account of the trial to be published, carefully made such alterations and suppressions as might show his own conduct in a more favourable light." That Judge was Jeffries of immortal memory! who will be known to all ages as the chief—not certainly of ignorant and inexperienced men, for he was an accomplished lawyer, and of undoubted capacity—but as the chief and head of unjust, and cruel, and corrupt judges! There, in that place shall Jeffries stand, hateful to all posterity, while England stands; but there he would not have stood, and his name might have come down to us with far other and less appropriate distinction, if our forefathers, who sat in this House, had consented to fritter away the expression of their honest indignation, to mitigate the severity of that record which should carry

their hatred of injustice to their children's children—if, instead of deeming it their most sacred duty, their highest glory, to speak the truth of privileged oppressors, careless whom it might strike, or whom offend, they had only studied how to give the least annoyance, to choose the most courtly language, to hold the kindest and most conciliating tone towards men who showed not a gleam of kindness, conciliation, courtesy, no nor bare justice, nor any semblance or form of justice, when they had their victim under their dominion. Therefore it is that I cannot agree to this previous question. Rather let me be met by a direct negative: it is the manlier course. I could have wished that the Government had still "screwed up their courage to the sticking-place," where for a moment it perched the first night of the debate, when by the honourable gentleman from the Colonial Department we were told that he could not consent to meet this motion in any way but the most triumphant—a decided negative.

Mr. Wilmot Horton—No!

Mr. Brougham—I beg the honourable member's pardon. I was not present at the time, but took my account of what passed from others, and from the usual channels of intelligence. I understood that he had given the motion a direct negative.

Mr. Wilmot Horton—I said no such thing; I said I should give my dissent to the motion without any qualification.

Mr. Brougham—Sir, I was not bred up in the Dutch schools, nor have practised in the courts of Demerara; and I confess my inability to draw the nice distinction, so acutely taken by the honourable gentleman, between a direct negative and a dissent without any qualification. In my plain judgment, unqualified dissent is that frame of mind which begets a direct negative. Well, then, call it which you will, I prefer, as more intelligible and more consistent, the direct negative, or unqualified dissent. What is the meaning of this "previous ques-

tion," which the right honourable Secretary * has to-night substituted for it? Plainly this: there is much to blame on both sides; and, for fear of withholding justice from either party, we must do injustice to both. That is exactly the predicament in which the right honourable gentleman's proposition would place the Government and the House with respect to West Indian interests.

But what *can* be the reason of all this extraordinary tenderness towards the good men of Demerara? Let us only pause for a moment, and consider what it can mean. How striking a contrast does this treatment of those adversaries of his Majesty's Ministers afford to the reception which *we* oftentimes meet with from them here! I have seen, in my short experience, many motions opposed by the gentlemen opposite, and rejected by the House, merely because they were accompanied by speeches unpalatable to them and their majorities. I have seen measures of the greatest importance, and to which no other objection whatever was made, flung out, only because propounded by opposition men, and recommended by what were called factious arguments. I remember myself once moving certain resolutions upon the commercial policy of the country, all of which have, I think, either been since adopted by the Ministers (and I thank them for it), or are in the course of being incorporated with the law of the state. At the time, there was no objection urged to the propositions themselves—indeed, the Chancellor of the Exchequer professed his entire concurrence with my doctrines—and as I then said I had much rather see his good works than hear his profession of faith, I am now happy that he has appealed to this test of his sincerity, and given me what I asked,—the best proof that the government entirely approved of the measures I recommended. But, upon what grounds were they

* Mr. Canning.

resisted at the time? Why, nine parts in ten of the arguments I was met by, consisted of complaints that I had introduced them with a factious speech, intermixed them with party topics, and combined with the commercial part of the subject a censure upon the foreign policy of the government, which has since been, I think, also well nigh given up by themselves. Now, then, how have the Demerara men entitled themselves to the especial protection and favour of those same Ministers? Have they shown any signal friendship, or courtesy, or decent respect, towards his Majesty's Government? Far enough from it. I believe the gentlemen opposite have very seldom had to bear such violence of attack from this side of the House, bad though we be, as from their Guiana friends. I suspect they have not in any quarter had to encounter so much bitterness of opposition as from their new favourites, whom they are so fearful of displeasing. Little tenderness, or indeed forbearance, have *they* shown towards the government which anxiously cherishes them. They have held public meetings to threaten all but separation; they have passed a vote of censure upon one Minister by name; and, that none might escape, another upon the whole Administration in a mass: and the latest accounts of their proceedings left them contriving plans in the most factious spirit, in the very teeth of the often avowed policy of the government, for the purpose of prohibiting all missions and expelling all missionaries from the settlement. Sir, missions and missionaries may divide the opinions of men in any other part of our dominions except the slave colonies, and the most opposite sentiments may honestly and conscientiously be entertained upon their expediency; but in those countries it is not the question, whether you will have missionary teachers or no, but, whether you will have teachers at all or no. The question is not, shall the negroes be taught by missionaries, but, shall they be taught at all? For it is the

unvarying result of all men's experience in those parts, members of the Establishment as well as dissenters—nay, the most absolute opinions on record, and the most strongly expressed, have come from churchmen—that there is but this one way practicable of attempting the conversion of these poor heathens. With what jealousy, then, ought we to regard any efforts, but especially by the constituted authorities who bore a part in those proceedings, to frustrate the positive orders for the instruction of the slaves, not only given by his Majesty's Government, but recommended by this House,—a far higher authority as it is, higher still as it might be, if it but dared now and then to have a will of its own, and, upon questions of paramount importance, to exercise fearlessly an unbiassed judgment? To obtain the interposition of this authority for the protection of those who alone will, or can, teach the negroes, is one object of the motion upon which I shall now take the sense of the House. The rest of it relates to the case of the individual who has been persecuted. The right honourable gentleman seems much disposed to quarrel with the title of martyr, which has been given him. For my own part, I have no fault to find with it; because I deem that man to deserve the name, as in former times he would have reaped the honours of martyrdom, who willingly suffers for conscience. Whether I agree with him or not in his tenets, I respect his sincerity, I admire his zeal; and when, through that zeal, a Christian minister has been brought to die the death, I would have his name honoured and holden in everlasting remembrance. His blood cries from the ground—but not for vengeance! He expired, not imprecating curses upon his enemies, but praying for those who had brought him to an untimely grave. It cries aloud for justice to his memory, and for protection to those who shall tread in his footsteps, and—tempering their enthusiasm by discretion; uniting with their zeal knowledge; forbearance with firmness:

patience to avoid giving offence, with courage to meet oppression, and to resist when the powers of endurance are exhausted—shall prove themselves worthy to follow him, and worthy of the cause for which he suffered. If theirs is a holy duty, it is ours to shield them, in discharging it, from that injustice which has persecuted the living, and has sought to blast the memory of the dead.

Sir, it behoves this House to give a memorable lesson to the men who have so demeaned themselves. Speeches in a debate will be of little avail. Arguments on either side neutralize each other. Plain speaking on the one part, met by ambiguous expressions—half censure, half acquittal, betraying the wish to give up, but with an attempt at an equivocal defence—will carry out to the West Indies a motley aspect; conveying no definite or intelligible expression, incapable of commanding respect, and leaving it extremely doubtful whether those things, which all men are agreed in reprobating, have actually been disapproved of or not. Upon this occasion, most eminently, a discussion is nothing, unless followed up by a vote to promulgate with authority what is admitted to be universally felt. That vote is called for, in tenderness to the West Indians themselves —in fairness to those other colonies which have not shared the guilt of Demerara. Out of a just regard to the interests of the West Indian body, who, I rejoice to say, have kept aloof from this question, as if desirous to escape the shame when they bore no part in the crime, this lesson must now be taught by the voice of Parliament,—that the mother country will at length make her authority respected; that the rights of property are sacred, but the rules of justice paramount and inviolable; that the claims of the slave owner are admitted, but the dominion of Parliament indisputable; that we are sovereign alike over the white and the black; and though we may for a season, and out of regard for the interests of both, suffer men

to hold property in their fellow-creatures, we never, for even an instant of time, forget that they are men, and the fellow-subjects of their masters; that, if those masters shall still hold the same perverse course—if, taught by no experience, warned by no auguries, scared by no menaces from Parliament, or from the Crown administering those powers which Parliament invoked it to put forth—but, blind alike to the duties, the interests, and the perils of their situation, they rush headlong through infamy to destruction; breaking promise after promise made to delude us; leaving unredeemed pledge after pledge, extorted by the pressure of the passing occasion; or only, by laws passed to be a dead letter, ever giving such an elusory performance as adds mockery to breach of faith; yet a little delay; yet a little longer of this unbearable trifling with the commands of the parent state—and she will stretch out her arm, in mercy, not in anger, to those deluded men themselves; exert at last her undeniable authority; vindicate the just rights, and restore the tarnished honour of the English name!*

* It was in this memorable debate that Mr. Wilberforce spoke in Parliament for the last time. His journals show how intensely he felt on the subject. The motion was lost, and the previous question carried by 193 to 146

SPEECH

ON

NEGRO SLAVERY.

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NEGRO SLAVERY.

HOUSE OF COMMONS—JULY 13, 1830.

SIR,—In rising to bring before the House a subject more momentous, in the eyes both of this country and of the world, than any that has occupied our attention during the whole of a long protracted session, I am aware that I owe some apology for entering upon it at so late a day. I know, too, that I am blamed in many quarters, for not postponing it till another season. But the apology which I am about to offer is, not for bringing it forward to-day, but for having delayed it so long; and I feel that I should be indeed without excuse, that I should stand convicted of a signal breach of public duty, to the character and the honour of the House, to the feelings and principles of the people, nay, to the universal feelings of mankind at large, by whatever names they may be called, into whatever families distributed, if I had not an ample defence to urge for having so long put off the agitation of this great question. The occurrences which happened at the commencement of the session, and the matters of pressing interest which have just attended its close, must plead my justification.

Early in the year I had hoped that the Government would redeem the pledges which they gave me last session, and which then stayed my steps. I had expected to have the satisfaction of seconding a measure propounded by the ministers of the Crown, for improv-

ing the administration of justice in the colonies, and especially for amending the law which excludes the testimony of slaves. That those expectations have been frustrated, that those pledges remain unredeemed, I may lament; but in fairness I am bound to say I cannot charge this as matter of severe blame on the Government, because I know the obstacles of a financial nature, which have stood in the way of intentions sincerely entertained, to provide a pure and efficient system of judicature for the West India Islands. Until I saw that no such reforms could be looked for in that high quarter, I was precluded from undertaking the subject, lest my efforts might mar the work in hands far more able to execute it.

This is my defence for now addressing you at the end of the parliamentary year. But to imagine that I can hold my peace a moment longer, that I can suffer the Parliament to be prorogued, and above all to be dissolved, and the country to be assembled for the choice of new representatives, without calling on the House for a solemn pledge, which may bind its successors to do their duty by the most defenceless and wretched portion of their fellow-subjects, is so manifestly out of the question, that I make no apology for the lateness of the day, and disregard even the necessary absence of many fast friends of the cause, and a general slackness of attendance, incident to the season, as attested by the state of these benches, which might well dissuade me from going on. And now, after the question of colonial slavery has for so many years been familiar to the House, and I fear still more familiar to the country, I would fain hope that I may dispense with the irksome task of dragging you through its details, from their multiplicity so overwhelming, from their miserable nature so afflicting. But I am aware that in the threshold of the scene, and to scare me from entering upon it, there stands the phantom of colonial independence, resisting parliamentary interfer-

ence, fatiguing the ear with the thrice-told tale of their ignorance who see from afar off, and pointing to the fatal issue of the American war. There needs but one steady glance to brush all such spectres away. That the colonial legislatures have rights—that their privileges are to be respected—that their province is not to be lightly invaded—that the Parliament of the mother country is not, without necessity, to trench on their independence—no man more than myself is willing to allow. But when those local assemblies utterly neglect their first duties—when we see them, from the circumstances of their situation, prevented from acting—struggling in these trammels for an independent existence—exhausted in the effort to stand alone, and to move one step wholly unable—when at any rate we wait for years, and perceive that they advance not by a hair's-breadth, either because they cannot, or because they dare not, or because they will not—then to contend that we should not interfere—that we should fail in our duty because they do not do theirs—nay, that we have no right to act, because they have no power or no inclination to obey us—would be, not an argument, but an abomination, a gross insult to Parliament, a mockery of our privileges—for I trust that we too have some left—a shameful abandonment of our duty, and a portentous novelty in the history of the Parliament, the plantations, and the country.

Talk not of the American contest, and the triumph of the colonists. Who that has read the sad history of that event (and I believe among the patriarchs of this cause whom I now address there are some who can remember that disgrace of our councils and our arms) will say, that either the Americans triumphed or we quailed on one inch of the ground upon which the present controversy stands? Ignorance the most gross, or inattention the most heedless, can alone explain, but cannot at all justify, the use of such a topic. Be it remembered—and to set at rest the point of right,

I shall say no more—let it not once be forgotten, that the supremacy of the mother country never for an instant was surrendered at any period of that calamitous struggle. Nay, in the whole course of it, a question of her supremacy never once was raised; the whole dispute was rigorously confined to the power of taxing. All that we gave up, as we said voluntarily, as the Americans more truly said, by compulsion, was the power to tax; and by the very act which surrendered this power, we solemnly, deliberately, and unequivocally reasserted the right of the Parliament to give laws to the plantations in all other respects whatever. Thus speaks the record of history and the record of our statute-book. But were both history and the law silent, there is a fact so plain and striking, that it would of itself be quite sufficient to establish the doctrine of Parliamentary Supremacy.

I believe it may safely be affirmed, that on neither side of the water was there a man more distinguished for steady devotion to the cause of colonial independence, or who made his name more renowned by firm resistance to the claims of the mother country, than Mr. Burke. He was, in truth, throughout that memorable struggle, the great leader in Parliament against the infatuated ministry, whose counsels ended in severing the empire; and far from abating in his opposition as the contest advanced, he sacrificed to those principles the favour of his constituents, and was in consequence obliged to withdraw from the representation of Bristol, which till then he had held. His speech on the occasion of his retirement re-affirms the doctrines of American independence. But neither then, nor at any other time, did he ever think of denying the general legislative supremacy of Parliament; he only questioned the right of taxing the unrepresented colonies. But another fact must at once carry conviction to every mind. During the heat of the controversy, he employed himself in framing a code for the government

of our sugar colonies. It was a bill to be passed into a law by the Legislature of the mother country; and it has fortunately been preserved among his invaluable papers. There is no minute detail into which its provisions do not enter. The rights of the slave—the duties of the master—the obligation to feed and clothe—the restriction of the power of coercion and punishment—all that concerns marriage and education and religious instruction—all that relates to the hours of labour and rest—everything is minutely provided for, with an abundance of regulation which might well be deemed excessive, were not the subject that unnatural state of things which subjects man to the dominion of his fellow-creatures, and which can only be rendered tolerable by the most profuse enactment of checks and controls. This measure of most ample interference was devised by the most illustrious champion of colonial rights, the most jealous watchman of English encroachments. With his own hand he sketched the bold outline; with his own hand he filled up its details; with his own hand, long after the American contest had terminated, after the controversy on negro freedom had begun, and when his own principles, touching the slave trade and slavery, had bent before certain West India prejudices, communicated by the party of the planters in Paris with whom he made common cause on French revolutionary politics,—even then, instead of rejecting all idea of interference with the rights of the colonial assemblies, he delivered over his plan of a slave code to Mr. Dundas, the Secretary for the Colonies, for the patronage and adoption of Mr. Pitt and himself. I offer this fact as a striking proof that it is worse than a jest, it is an unpardonable deception, if it be not a melancholy delusion, to assert that there ever has existed a doubt of the right of Parliament to give the colonies laws.

But I am told, that, granting the right to be ours, we ought to shrink from the exercise of it, when it

would lead to an encroachment upon the sacred rights of property. I desire the House to mark the short and plain issue to which I am willing to bring this matter. I believe there is no man, either in or out of the profession to which I have the honour of belonging, and which, above all others, inculcates upon its members an habitual veneration for civil rights, less disposed than I am lightly to value those rights, or rashly to inculcate a disregard of them. But that renowned profession has taught me another lesson also; it has imprinted on my mind the doctrine which all men, the learned and the unlearned, feel to be congenial with the human mind, and to gather strength with its growth—that by a law above and prior to all the laws of human lawgivers, for it is the law of God—there are some things which cannot be holden in property, and above everything else, that man can have no property in his fellow-creature.

But I willingly avoid those heights of moral argument, where, if we go in search of first principles, we may see eternal fogs reign, and "find no end, in wandering mazes lost." I had rather seek the humbler regions, and approach the level plain, where all men see clear, where their judgments agree, and common feelings knit their hearts together; and standing on that general level, I ask, what is the right which one man claims over the person of another, as if he were a chattel, and one of the beasts that perish? Is this that kind of property which claims universal respect, and is clothed in the hearts of all with a sanctity that makes it inviolable? I resist the claim; I deny the title; as a lawyer I demur to the declaration of the right; as a man I set up a law superior in point of antiquity, higher in point of authority, than any which men have framed —the law of nature; and, if you appeal from that, I set up the law of the Christian dispensation, which holds all men equal, and commands that you treat every man as a brother! Talk to me not of such

monstrous pretensions being decreed by Acts of Parliament, and recognized by treaties! Go back a quarter of a century to a kindred contest, when a long and painful struggle ended in an immortal triumph. The self-same arguments were urged in defence of the slave trade. Its vindication was rested upon the rights of property, as established by laws and treaties; the right to trade in men was held to be as clear then, as the right to hold men in property is held to be clear now. For twenty-five years, I am ashamed to repeat, for twenty-five years, to the lasting disgrace of Parliament, the African slave traffic was thus defended; and that which it was then maintained every one had a right to do, is now denounced by our laws as piracy, and whoso doeth it shall surely die the death of a felon.

But I am next told, that, be the right as it may, the facts are against me; that the theory may be with those who object to slavery, but the practice is in favour of the system. The negroes are well off, it seems; they are inured to the state in which they have been born and grown up; they are happy and contented, and we shall only hurt them by changing their condition, which the peasantry of England are desired to regard with envy. I will not stoop to answer such outrageous assertions by facts or by reasons. I will not insult your understandings by proving, that no slave can taste happiness or comfort; that where a man is at the nod of another, he can know nothing of real peace or repose. But I will at once appeal to two tests; to these I shall confine myself, satisfied that if they fail to decide the question, I may resort in vain to any argument which philosophers can admit, or political economists entertain, or men of ordinary common sense handle. The two tests or criteria of happiness among any people, which I will now resort to, are the progress of population and the amount of crime. These, but the first, especially, are, of all others, the most safely to be relied on. Every one who has studied the

philosophy of human nature, and every one who has cultivated statesman-like wisdom, which indeed is only that philosophy reduced to practice, must admit, that, the principle implanted in our nature, which insures the continuance of the species, is so powerful that nothing can check its operation but some calamitous state of suffering, which reverses the natural order of things. Wherever, then, we see the numbers of men stationary, much more when we perceive them decreasing, we may rest assured that there is some fatal malady, some fundamental vice in the community, which makes head against the most irresistible of all the impulses of our physical constitution. Now, look to the history of the black population, both free and slave, in the Antilles. In the British islands, including Barbadoes, on a population of 670,000 slaves, there was a decrease of 31,500 in the six years which elapsed between 1818 and 1824; in Jamaica alone, upon the number of 330,000, a decrease of between 8,000 and 9,000. But not so with the free coloured men; although placed in circumstances exceedingly unfavourable to increase of numbers, yet such is the natural fruitfulness of the negro race that they rapidly multiplied. The Maroons doubled between 1749 and 1782; and when great part of them were removed after the rebellion of 1796, those who remained increased in six years, from 1810 to 1816, no less than eighteen per cent.; and in five years, from 1816 to 1821, fourteen per cent. In North America, where they are better fed, the negroes have increased in thirty years no less than 130 per cent. Look next to Trinidad: in four years, from 1825 to 1829, the slaves have fallen off from 23,117 to 22,436, notwithstanding a considerable importation under an Order in Council, being a decrease of at least a thirty-fourth, but probably of a twentieth. But what has happened to the same race, and circumstanced alike as to climate, soil, food—in short, everything save liberty? Nature has with them upheld her rights; her first

great law has been obeyed; the passions and the vigour of man have had their course unrestrained; and the increase of his numbers has attested his freedom. They have risen in the same four years from 13,995 to 16,412, or at a rate which would double their numbers in twenty years; the greatest rate at which population is, in any circumstances, known to increase. There cannot be a more appalling picture presented to the reflecting mind than that of a people decreasing in numbers. To him who can look beyond the abstract numbers, whose eye is not confined to the mere tables and returns of population, but ranges over the miseries of which such a diminution is the infallible symptom, it offers a view of all the forms of wretchedness, suffering in every shape, privations in unlimited measure—whatever is most contrary to the nature of human beings, most alien to their habits, most adverse to their happiness and comfort—all beginning in slavery, the state most unnatural to man; consummated through various channels in his degradation, and leading to one common end, the grave. Show me but the simple fact, that the people in any country are regularly decreasing, so as in half a century to be extinct; and I want no other evidence that their lot is that of the bitterest wretchedness: nor will any other facts convince me that their general condition can be favourable or mild. The second general test to which I would resort for the purpose of trying the state of any community, without the risk of those deceptions to which particular facts are liable, is the number of crimes committed. In Trinidad, I find that the slaves belonging to plantations, in number 16,580, appear, by the records printed, to have been punished in two years for 11,131 offences, that is to say, deducting the number of infants incapable of committing crimes, every slave had committed some offence in the course of those two years. It is true that the bulk of those offences, 7,644, were connected with their condition of bondage—refusing to work,

absconding from the estate, insolence to the owner or overseer, all incidental to their sad condition, but all visited with punishment betokening its accompanying debasement. Nevertheless, other crimes were not wanting: 713 were punished for theft, or above 350 in a year, on a number of about 12,000, deducting persons incapacitated by infancy, age, or sickness, from being the subjects of punishment. Let any one consider what this proportion would give in England: it would amount to 350,000 persons punished in one year for larceny. In Berbice, on a population of 21,000 plantation slaves, there were 9,000 punishments; no record being kept of those in plantations of six slaves or under: and in Demerara, of 61,000, there were 20,567 punished, of whom 8,461 were women.

I cannot here withhold from the House the testimony of the protector of slaves to the happiness of their condition. "I cannot," says that judicious officer "refrain from remarking on the contented appearance of the negroes; and from the opportunities of judging which I have, I think that generally they have every reason to be so." I would not have this protector placed in the condition of the very happiest of this contented tribe, whose numbers are hourly lessening, and whose lives are spent in committing crime and in suffering punishment. No, not for a day would I punish his error in judgment, by condemning him to taste the comforts which he describes, as they are enjoyed by the very luckiest of those placed under his protection. But such testimony is not peculiar to this officer. Long before his protectorate commenced, before he even came into this world of slavery and bliss, of bondage and contentment, the like opinion had been pronounced in favour of West Indian felicity. I hold in my hand the evidence of Lord Rodney, who swore before the Privy Council that he never saw an instance of cruel treatment, that in all the islands, "and," said his lordship, "I know them all," the negroes were

better off in clothing, lodging, and food, than the poor at home, and were never in any case at all overworked. Admiral Barrington, rising in ardour of expression as he advanced in knowledge, declares that he has often wished himself in the condition of the slaves. Neither would I take the gallant admiral at his rash word, sanctioned though it be by his oath. I would not punish his temerity so severely as to consign him to a station, compared with which he would, in four-and-twenty hours, have become reconciled to the hardest fare in the most crazy bark that ever rocked on the most perilous wave; or even to the lot which our English seamen are the least inured to—the most disastrous combat that ever lowered his flag in discomfiture and disgrace. But these officers confined not their testimony to the condition of slavery; they cast its panoply around the slave trade itself. They were just as liberal in behalf of the Guineaman, as of those whom his toils were destined to enrich. They gave just as Arcadian a picture of the slaver's deck and hold, as of the enviable fields whither she was fraught with a cargo of happy creatures, designed by their felicitous destiny to become what are called the cultivators of those romantic regions. "The slaves on board are comfortably lodged," says one gallant officer, "in rooms fitted up for them." "They are amused with instruments of music: when tired of music they then go to games of chance." Let the inhabitants or the frequenters of our club-houses hear this and envy—"those famous wits," to whom St. James's purlieus are "native or hospitable:" let them cast a longing look on the superior felicity of their sable brethren in the middle passage. They toil not, neither do they spin, yet have they found for them all earthly indulgences; food and raiment for nothing; music to charm the sense; and when, sated with such enjoyment, the mind seeks a change, games of chance are kindly provided by boon traffic to stimulate the lazy appetite. "The slaves," adds the admiral, "are indulged in all

their little humours." Whether one of these caprices might be to have themselves tied up from time to time, and lacerated with a scourge, he has omitted to mention. "He had frequently," he says, "seen them, and as happy as any of the crew, it being the interest of the officers and men to make them so." But it is Admiral Evans who puts the finishing stroke to this fairy picture. "The arrival of a Guineaman," he says, "is known in the West Indies by the dancing and singing of the negroes on board."

It is thus that these cargoes of merry, happy creatures, torn from their families, their native fields, and their cottages, celebrate their reaching the land of promise, and that their coming is distinguished from the dismal landing of free English seamen out of West India traders, or other receptacles of cruelty and wretchedness. But if all the deductions of philosophy, and all the general indications of fact, loudly prove the unalterable wretchedness of colonial slavery, where, may it be asked, are the particular instances of its existence? Alas! there is no want of these: but I will only cull out a few, dealing purposely with the mass rather by sample than by breaking its foul bulk. I shall illustrate, by a few examples, the effects of slavery in communities to the voluntary exertions of which we are bid to look for the mitigation and final extinction of that horrid condition.

A certain Reverend Thomas Wilson Bridges was charged with an offence of the deepest dye. A slave girl had been ordered to dress a turkey for dinner, and the order having been disobeyed, he struck her a violent blow, which caused her nose and mouth to flow with blood, applying to her at the same time an oath, and a peculiarly coarse epithet, highly unbecoming in a clergyman, and indeed in any man, as it is the name most offensive to all womankind. He then commanded two men to cut bamboo rods and point them for her punishment. She was stripped of every article of

dress, and flogged till the back part of her, from the shoulders to the calves of the legs, was one mass of lacerated flesh. She made her escape and went to a magistrate. The matter was brought before what is called a Council of Protection, where, by a majority of fourteen to four, it was resolved that no further proceedings should take place. The Secretary of State for the Colonies, however, thought otherwise, and in a despatch, with no part of which have I any fault to find, directed the evidence to be laid before the Attorney-General. I understand that the reverend gentleman has not been put on his trial. I hope I may have been misinformed: I shall rejoice to find it so. I shall also be glad to find that there is no ground for the charge; although the man's servants, when examined, all admitted the severity of the flogging; and himself allowed he had seen it, though he alleged he was not near, but could not deny he had heard the screams of the victim. This reverend Mr. Bridges I happened to know by his other works,—by those labours of slander which have diversified the life of this minister of peace and truth. For publishing one of these, a respectable bookseller has been convicted by a jury of his country; others have been passed over with contempt by their illustrious object—that venerable person, the great patriarch of our cause, whose days are to be numbered by acts of benevolence and of piety, whose whole life, —and long may it be extended for his own glory and the good of his fellow-creatures!—has been devoted to the highest interests of religion and of charity, who might have hoped to pass on his holy path undisturbed by any one calling himself a Christian pastor, even in a West Indian community. The man, however, has so far succeeded, whether by the treatment of his slaves, or the defamation of Mr. Wilberforce, in recommending himself to his fellow-citizens in Jamaica, that a great majority in the Protecting Council forbade his conduct being inquired into. So vain is it to expect

from the owners of slaves any active execution of the laws against slavery! And will you then trust those slave owners with the making of such laws? Recollect the memorable warning of Mr. Canning, given thirty years ago, and proved true by every day's experience since. "Have a care how you leave to the owners of slaves the task of making laws against slavery. While human nature remains the same, they never can be trusted with it."

It is now six years since I called the attention of Parliament to one of the most grievous outrages that ever was committed since the Caribbean Archipelago was peopled with negro slaves—the persecution unto death of a Christian minister, for no other offence than preaching the gospel of his Master. I was then told, that no such wrong would ever be done again. It was a single case, which never could recur: at all events, the discussion in this House, and the universal reprobation called forth even from those who had not sufficient independence to give their voices for doing justice upon the guilty, would, I was told, effectually secure the freedom of religious worship in future. I was silenced by the majority of votes, but not convinced by such reasons as these. And I now hold in my hand the proof that I was right. It is a statement promulgated by a numerous and respectable body of sincere Christians, with whom I differ both in religious and political opinions, but in whose conduct, if there be anything which I peculiarly blame, it is their disinclination to deviate from a bad habit of passive obedience—of taking all that is done by men in authority to be right. They seem, however, now to be convinced that they have carried this habit too far, and that the time is come when they can no longer do their duty and hold their peace. The narrative which they have given, confirmed by the conduct of the Government itself, is such as would have filled me with indignation had I read it six years ago; but, after the warning voice

so loudly raised in the debates upon the Missionary Smith's murder, I gaze upon it astonished and incredulous. The simple and affecting story is told by Mr. Orton, a blameless and pious minister of the gospel in Jamaica. He first alludes to the "daring attack made on the mission premises, at St. Ann's Bay, on Christmas-day, 1826," (the festival chosen by these friends of the Established Church for celebrating their brotherly love towards another sect.) "The attack," says he, "was made by a party of white persons, of the light company of militia, who were stationed at St. Ann's Bay as the Christmas guards. The plan appeared to have been premeditated, and there remains but little doubt that the design was murderous. A great number of balls were fired into the chapel and house, fourteen of which I assisted to extract from various parts of the building; and upon noticing particularly the direction, and measuring the distance from which some of the shots must have been fired, it appeared that Mr. and Mrs. Ratcliffe and their child most narrowly escaped the fatal consequences which were no doubt designed." All attempt to bring these criminals to justice failed, it seems, for want of evidence—a somewhat extraordinary incident in a community calling itself civilized, that so many persons as must have been concerned in it should all have escaped. In the course of the next summer, Mr. Grimsdall, another clergyman of the same persuasion, was arrested twice; the second time for having preached at a small place called Ocho Rios, in an unlicensed house, although a license had been applied for and refused, contrary to the judgment of the Custos and another magistrate. He was flung into a noisome dungeon, "such," says the narrative, "as no person in Great Britain can have any conception of. His constitution, naturally strong, could not sustain the attack—he sunk under the oppression of these persecutors, and the deleterious effects of confinement in a noxious prison; and this devoted servant of God, after

a painful sickness of sixteen days, was delivered by death from the further sufferings projected by his unfeeling persecutors. He died the 15th day of December, 1827." Mr. Whitehouse, too, was a preacher of the gospel, and consequently an object of persecution. In the summer of 1828, he was seized and carried before a magistrate, accused of having preached without a license; that is, of having a license in one parish and preaching in another. He besought the magistrates as a favour, to be bound in irons in the market-place, instead of being confined in the cell where his predecessor had been deprived of life. They treated his remonstrances with indifference, said they were resolved to do their duty, professed not to regard what the public might say of them, and added, that "whoever might come should be treated in the same manner." He was accordingly flung into the dungeon where Mr. Grimsdall had perished. "I found it," says he "occupied by an insane black woman. She was removed, but the cell was exceedingly filthy, and the stench unbearable. It was now eight o'clock in the evening, and the gaoler said 'he must lock up.' I desired that the cell floor might, at least, be swept, which a few friends immediately attended to. There was no bed provided for me, not even one of straw; and it was not until I had made several requests to the gaoler that a few benches from the chapel were allowed to be brought in, on which to make a bed. A large quantity of vinegar and strong camphorated rum was thrown upon the floor and walls, for the purpose of counteracting the very disagreeable effluvia which proceeded from the filth with which the place abounded; but this produced very little effect. The sea-breeze had subsided, and the only window from which I could obtain the least air, was just above the place in which all the filth of the premises is deposited." Mr. Orton received the intelligence of his persecuted brother's affliction, with a request that he would perform his

pastoral duty to his congregation. He did so, and was forthwith committed to the same gaol. "Of the horrid state of the place," he says, "an idea can scarcely be formed from any representation which can here be made, as common decency forbids the mention of its filthy condition, and the many unseemly practices which were constantly presented to our notice. The hospital, gaol, and workhouse, are united: the two former are under one roof, occupying an area of about twenty-five feet by thirty-five. On the ground floor were three apartments. In the condemned cell were two unfortunate creatures awaiting their doom. In an adjoining cell were many negroes, confined for petty offences; and in another apartment on the same floor, forty were crammed together, who had been taken in execution, and were waiting to be driven and sold in the market. This building, small and confined, was, especially during the night, literally stowed with persons, so that, from the number of the prisoners, and the extreme filth of the negroes, it was almost unbearable." Let us but reflect on the sufferings of imprisonment even in the best gaol of our own temperate climate; and let us then add to those the torments of tropical heats! Think of being enclosed with crowds beyond what the air will supply with the needful nourishment of the lungs, while a fiery sun wheels round the clear sky from morning to night, without the veil of a single cloud to throw a shade between; where all matter passes instantly from life to putrescence, and water itself, under the pestilent ray, becomes the source of every frightful malady. Add the unnatural condition of the inmates, not there for debts or for offences of their own, but seized for their owner's default, and awaiting, not the judgment of the law, or their liberation under an Insolvent Act, but till the market opens, when like brute beasts, they are to be driven and sold to the highest bidder! In such a dungeon was it that Mr. Orton and his brethren

were immured; and when their strength began to sink, and it seemed plain that they must speedily follow their friend to the grave, they were taken before the Chief Justice, who instantly declared the warrant illegal, and their seventeen days' confinement to have been without the shadow of pretence.

Who, then, was in the right, six years ago, in the memorable debate upon the persecution of the Missionary Smith?—You, who said enough had been done in broaching the subject, and that religion and her ministers would thenceforward be secure;—or I, who warned you, that if my resolutions were rejected, he would not, by many a one, be the last victim? I would to God that the facts did not so plainly prove me to have foretold the truth.

I may seem to have said enough; but it is painful to me that I cannot stop here,—that I must try faintly to paint excesses unheard of in Christian times—which to match we must go back to heathen ages, to the days and to the stations, wherein absolute power made men, but Pagan men, prodigies of cruelty exaggerated by caprice,—that I must drag before you persons moving in the higher walks of life, and exerting proportionable influence over the society they belong to:—an English gentleman, and an English gentlewoman accused, guilty, convicted of the most infernal barbarity; and an English community, so far from visiting the enormity with contempt, or indignant execration, that they make the savage perpetrators the endeared objects of esteem, respect, and affection! I read the recital from the despatch of the late Secretary for the Colonies,* a document never to be sufficiently praised for its statesman-like firmness, for the manly tone of feeling and of determination united, which marks it throughout. "The slave girl was accused of theft," he says; "but some disobedience in refusing to mend the clothes was the more immediate cause of her punishment. On the

* Mr. Huskisson.

22d of July, 1826, she was confined in the stocks, and she was not released till the 8th of August following, being a period of seventeen days. The stocks were so constructed, that she could not sit up and lie down at pleasure, and she remained in them night and day. During this period she was flogged repeatedly,—one of the overseers thinks about six times,—and red pepper was rubbed upon her eyes to prevent her sleeping. Tasks were given her, which in the opinion of the same overseer, she was incapable of performing; sometimes because they were beyond her powers; at other times because she could not see to do them on account of the pepper having been rubbed on her eyes; and she was flogged for failing to accomplish these tasks. A violent distemper had been prevalent on the plantation during the summer. It is in evidence, that on one of the days of her confinement she complained of fever, and that one of the floggings which she received was the day after she had made this complaint. When she was taken out of the stocks she appeared to be cramped, and was then again flogged. The very day of her release she was sent to field-labour (though heretofore a house-servant), and on the evening of the third day ensuing was brought before her owners as being ill and refusing to work, and she then again complained of having had fever. They were of opinion that she had none then, but gave directions to the driver, if she should be ill, to bring her to them for medicines in the morning. The driver took her to the negro-house, and again flogged her, though this time apparently without orders from her owners to do so. In the morning, at seven o'clock, she was taken to work in the field, where she died at noon." Mark the refinement of their wickedness! I nowise doubt, that to screen themselves from the punishment of death due to their crimes, these wretches will now say,—they did indeed say on their trial—that their hapless victim died of disease. When their own lives were

in jeopardy, they found out that she had caught the fever, and died by the visitation of God; but when the question was, shall she be flogged again? shall she, who has for twelve days been fixed in the stocks under the fiery beams of a tropical sun, who has been torn with the scourge from the nape of the neck to the plants of her feet, who has had pepper rubbed in her eyes to ward off the sleep that might have stolen over her senses, and for a moment withdrawn her spirit from the fangs of her tormentors,—shall she be subjected by those accursed fiends to the seventh scourging? Oh! then she had no sign of fever! she had caught no disease! she was all hale, and sound, and fit for the lash! At seven she was flogged—at noon she died! and those execrable and impious murderers soon found out that she had caught the malady, and perished by the "visitation of God!" No, no! I am used to examine circumstances, to weigh evidence, and I do firmly believe that she died by the murderous hand of man! that she was killed and murdered! It was wisely said by Mr. Fox, that when some grievous crime is perpetrated in a civilized community, we are consoled by finding in all breasts a sympathy with the victim, and an approval of the punishment by which the wrong-doer expiates his offence. But in the West Indies there is no such solace to the mind—there all the feelings flow in a wrong course—perverse, preposterous, unnatural—the hatred is for the victim, the sympathy for the tormentor! I hold in my hand the proof of it in this dreadful case. The Mosses were condemned by an iniquitous sentence; for it was only to a small fine and five months' imprisonment. The public indignation followed the transaction; but it was indignation against the punishment, not the crime; and against the severity, not the lenity of the infliction. The Governor, a British officer—and I will name him to rescue others from the blame—Gèneral Grant—tells us in his despatch, that "he had been applied to by the most

respectable inhabitants to remit the sentence;" that "he loses no time in applying to Lord Bathurst to authorize the remission." He speaks of "the unfortunate Henry and Helen Moss;" says, "they are rather to be pitied for the untoward melancholy occurrence" (as if he were talking of some great naval victory over the Turk, instead of a savage murder), and that "he hastens to prevent the impression, which the mention of the case might make on his Lordship's mind." In a second despatch, he earnestly renews the application; describes "the respectability of Mr. and Mrs. Moss, their general kindness to their slaves, the high estimation in which they are held by all who have partaken of their hospitality;" tells us that "they have always been favourably spoken of in every respect, including that of slave management;" states his own anxiety that "persons of their respectability should be spared from imprisonment;" and that at any rate "the mulct should be relinquished, lest they should be thought cruel and oppressive beyond others, and also in order to remove in some degree the impression of their being habitually and studiously cruel;" and he adds a fact, which speaks volumes, and may well shut all mouths that now cry aloud for leaving such things to the assemblies of the islands—"notwithstanding their being in gaol, they are visited by the most respectable persons in the place, and by all who knew them before." The Governor who thus thinks and thus writes, has been removed from that settlement; but only, I say it with grief, to be made the ruler of a far more important colony. From the Bahamas he has been promoted to Trinidad—that great island, which Mr. Canning described as about to be made the model, by the Crown, for all slave colonies. Over such a colony was he sent to preside, who, having tasted of the hospitality of the Mosses, could discern in their treatment of their slaves, nothing out of the fair, ordinary course of humane management.

From contemplating the horrors of slavery in the West Indies, it is impossible that we can avoid the transition to that infernal traffic, alike the scourge of Africa and America, the disgrace of the old world and the curse of the new, from which so much wretchedness has flowed. It is most shocking to reflect that its ravages are still abroad, desolating the earth. I do not rate the importation into the Brazils too high, when I put it at 100,000 during the last twelve months. Gracious God! When we recollect that the number of seventy-three capital punishments, among which are but two or three for murder, in a population of twelve millions, excites our just horror in England, what shall we say of 100,000 capital crimes, committed by a handful of desperate men, every one of which involves and implies rapine, fraud, murder, torture, in frightful abundance? And yet we must stand by and see such enormities perpetrated without making any remonstrance, or even urging any representation! By the Treaty with Portugal, it is true, no such crimes can henceforth be repeated, for this year the traffic is to cease, and the mutual right of search is given to the vessels of both nations, the only possible security for the abolition being effectual. But there is another country nearer to us in position, and in habits of intercourse more familiar, one of far more importance for the authority of its example, in which the slave trade still flourishes in most portentous vigour, although denounced by the law, and visited with infamous punishment: the dominions of the Monarch who calls himself "Most Christian," and refuses the only measure that can put such wholesale iniquity down. There it must thrive as long as groundless national jealousies prevent the right of search from being mutually conceded. Let us hope that so foul a stain on the character of so great a nation will soon be wiped away; that the people who now take the lead of all others in the march of liberty, will cast far from their camp this unclean thing,—by

all lovers of freedom most abhorred. I have heard with amazement some thoughtless men say, that the French cannot enjoy liberty, because they are unused to it. I protest before heaven I could point to no nation more worthy of freedom, or which knows better how to use it, how to gain it, how to defend it. I turn with a grateful heart to contemplate the glorious spectacle now exhibited in France of patriotism, of undaunted devotion to liberty, of firm yet temperate resistance to arbitrary power. It is animating to every beholder; it is encouraging to all freemen in every part of the world. I earnestly hope that it may not be lost on the Bourbon Monarch and his Councillors; for the sake of France and of England, for the sake of peace, for the sake of the Bourbon Princes themselves, I pray that they may be wise in time, and yield to the wish, the determination of their people; I pray, that, bending before the coming breeze, the gathering storm may not sweep them away! But of one thing I would warn that devoted race; let them not flatter themselves that by trampling upon liberty in France, they can escape either the abhorrence of man or the Divine wrath for the execrable traffic in slaves, carried on under their flag, and flourishing under their sway in America. I will tell their ghostly councillors, in the language of a book with which they ought to be familiar —"Behold, obedience is better than sacrifice, and to hearken than the fat of rams." To what should they lend an ear? To the commands of a God who loves mercy, and will punish injustice, and abhors blood, and will surely avenge it upon their heads; nothing the less because their patronage of slavery in distant climes is matched by their hatred of liberty at home. Sir, I have done. I trust that at length the time is come when Parliament will no longer bear to be told, that slave owners are the best law-givers on slavery; no longer allow an appeal from the British public, to such communities as those in which the Smiths and the Grims-

dalls are persecuted to death, for teaching the gospel to the negroes; and the Mosses holden in affectionate respect for torture and murder: no longer suffer our voice to roll across the Atlantic in empty warnings, and fruitless orders. Tell me not of rights—talk not of the property of the planter in his slaves. I deny the right—I acknowledge not the property. The principles, the feelings of our common nature, rise in rebellion against it. Be the appeal made to the understanding or to the heart, the sentence is the same that rejects it. In vain you tell me of laws that sanction such a claim! There is a law above all the enactments of human codes—the same throughout the world, the same in all times—such as it was before the daring genius of Columbus pierced the night of ages, and opened to one world the sources of power, wealth, and knowledge; to another, all unutterable woes;—such it is at this day: it is the law written on the heart of man by the finger of his Maker, and by that law, unchangeable and eternal, while men despise fraud, and loathe rapine, and abhor blood, they will reject with indignation the wild and guilty phantasy, that man can hold property in man! In vain you appeal to treaties, to covenants between nations: the covenants of the Almighty, whether the Old covenant or the New, denounce such unholy pretensions. To those laws did they of old refer who maintained the African trade. Such treaties did they cite, and not untruly; for by one shameful compact you bartered the glories of Blenheim for the traffic in blood. Yet, in despite of law and of treaty, that infernal traffic is now destroyed, and its votaries put to death like other pirates. How came this change to pass? Not, assuredly, by Parliament leading the way; but the country at length awoke; the indignation of the people was kindled; it descended in thunder, and smote the traffic, and scattered its guilty profits to the winds. Now, then, let the planters beware—let their assemblies beware—

let the Government at home beware—let the Parliament beware! The same country is once more awake,—awake to the condition of negro slavery; the same indignation kindles in the bosom of the same people; the same cloud is gathering that annihilated the slave trade; and, if it shall descend again, they, on whom its crash may fall, will not be destroyed before I have warned them: but I pray that their destruction may turn away from us the more terrible judgments of God!—I therefore move you, "That this House do resolve, at the earliest practicable period of the next Session, to take into its serious consideration the state of the slaves in the colonies of Great Britain, in order to the mitigation and final abolition of their slavery, and more especially in order to the amendment of the administration of justice within the same."

SPEECH

ON

THE SLAVE TRADE.

DEDICATION.

TO

RICHARD, MARQUESS WELLESLEY, K.G.,

ETC., ETC., ETC.

In compliance with the wishes of the friends of the Abolition, I have revised the report of this speech, in order that the facts which I yesterday brought before Parliament, and which all admitted to be truly stated, nay, to have been rather understated than exaggerated, may be made known through the country. I believe these pages contain, as nearly as it is possible, what I spoke in my place.

To your Lordship they are inscribed with peculiar propriety, because you are one of the oldest and most staunch friends of this great question, and because your animated descriptions of the Parliamentary struggles in its behalf, at which you have assisted, and of the eloquence of other times which it called forth, have formed one of the most interesting of the many conversations we have had upon the scenes of your earlier life. My own recollections do not reach so far back; but I have now been a zealous, though humble labourer, in the same cause upwards of six and thirty years; and it is truly melancholy to reflect that the slave trade still desolates Africa, while it disgraces the civilized world, hardly covering with less shame those who suffer, than those who perpetrate the enormous crime.

—May we hope that at length the object of our wishes is about to be attained!

This Dedication is offered without your permission having been asked. It gives me an opportunity of faintly expressing that admiration of your truly statesman-like genius which all your countrymen feel who have marked your illustrious career in Europe as well as Asia; and that gratitude for your past services which in the public mind never can exceed the affection of your private friends.

But I will confess that another motive contributes to this intrusion upon your retirement. During the years that the controversy has lasted, I have written and published many volumes upon it; this is the first page to which I have set my name; and I naturally feel desirous that it should have the advantage of appearing in company with one so incomparably more eminent.

BROUGHAM

January 30, 1838.

SPEECH ON

THE SLAVE TRADE.

HOUSE OF LORDS—JANUARY 29, 1838.

MY LORDS,—I hold in my hand a petition from a numerous and most respectable body of your fellow-citizens—the inhabitants of Leeds. Between 16 and 17,000 of them have signed it, and on the part of the other inhabitants of that great and flourishing community, as well as of the country at large in which it is situated, I can affirm with confidence that their statements and their prayer are those of the whole province whose people I am proud to call my friends, as it was once the pride of my life to represent them in Parliament. They remind your lordships that between eighteen and nineteen millions have been already paid, and the residue of the twenty millions is in a course of payment to the holders of slaves for some loss which it was supposed their property would sustain by the Emancipation Act; whereas, instead of a loss they have received a positive gain; their yearly revenues are increased, and the value of their estates has risen in the market. Have not these petitioners—have not the people of England a right to state, that but for the firm belief into which a generous Parliament and a confiding country were drawn, that the Bill of 1833 would occasion a loss to the planter, not one million, or one pound, or one penny of this enormous sum would ever have been granted to the owners of the slaves? When it is

found that all this money has been paid for nothing, have we not an equal right to require that whatever can be done on the part of the planters to further a measure which has already been so gainful to them, shall be performed without delay? Have we not an undeniable right to expect for the sake, not more of humanity towards the negroes, than of strict justice to those whose money was so paid for nothing, under a mere error in fact, that we, we who paid the money, shall obtain some compensation? And as all we ask is, not a return of it, not to have the sums paid under mistake refunded, but only the bargain carried into full effect, when the Colonial Legislatures refuse to perform their part, are we not well entitled to compel them? In a word, have not the people of England a right to demand that the slavery which still exists under the name of Indentured Apprenticeship, shall forthwith cease, all pretext for continuing it, from the alleged risk of the sudden change or the negro's incapacity of voluntary labour, having been triumphantly destroyed by the universal and notorious fact of the experiment of total emancipation having succeeded wherever it has been tried, and of the negro working cheerfully and profitably where he has been continued an apprentice? In presenting this petition from Yorkshire, and these thirteen others from various parts of the country, I have the honour of giving notice, that as soon as the unfortunate and pressing question of Canada shall have been disposed of by the passing or the rejection of the Bill expected from the Commons, that is, in about a week or ten days, I shall submit a motion to your lordships with the view of enabling you to comply with the earnest prayer of your countrymen, by fixing the period of complete emancipation on the first of August in this year, instead of 1840.

But, my Lords, while I thus express my entire concurrence in the sentiments of these Petitions, and of the various others which I have presented upon this

subject, I cannot conceal from myself that there is a very material difference between the subject of their complaint and of the complaint which I made at our last meeting respecting the continuance not of slavery but the slave trade, which I cannot delay for a single hour bringing before Parliament. The grievance set forth in the Petitions, is, that the Emancipation Act according to some did not go far enough and fast enough to its purpose—that while some hold it to have stopped short, in not at once and effectually wiping out the foul stain of slavery, others complain of our expectations having been frustrated in the working of the measure by the planters and the local authorities —that enough has not been done, nor with sufficient celerity, to relieve the unhappy slave of his burden— nevertheless all admit that whatever has been effected has been done in the right direction. The objections made are upon the degree, not upon the nature of the proceedings. It is that too little relief has been given to the slave — that too late a day has been assigned for his final liberation—that he still suffers more than he ought: it is not that we have made slavery more universal, more burthensome, or more bitter. But what would have been said by the English people—in what accents would they have appealed to this House—if instead of finding that the goal we aimed at was not reached—that the chains we had hoped to see loosened still galled the limbs—that the burthen we had desired to lighten still pressed the slave to the earth—it had been found that the curse and the crime of human bondage had extended to regions which it never before had blighted—that the burthen was become heavier and more unbearable—that the fetters galled the victim's limbs more cruelly than ever —what I ask, would then have been the language of your petitioners? What the sensation spread through the country? What the cry of rage, echoing from every corner of its extent, to charge us with mingled

hypocrisy and cruelty, should we allow an hour to pass without rooting out the monstrous evil? I will venture to assert that there would have burst universally from the whole people an indignant outcry to sweep away in a moment every vestige of slavery under whatever name it might lurk, and whatever disguise it might assume; and the negro at once would have been a free man. Now this is the very charge which I am here to make, and prepared to support with proof, against the course pursued with a view to extinguish the slave trade. That accursed traffic, long since condemned by the unanimous voice of all the rational world, flourishes under the very expedients adopted to crush it; and increases in consequence of those very measures resorted to for its extinction. Yes, my Lords, it is my painful duty to show what, without suffering severely, it is not possible to contemplate, far less to recite, but what I cannot lay my head once more on my pillow without denouncing, that at this hour, from the very nature of the means used to extirpate it, this infernal traffic becomes armed with new horrors, and continues to tear out, year after year, the very bowels of the great African Continent—that scene of the greatest sufferings which have ever scourged humanity—the worst of all the crimes ever perpetrated by man!

When the act for abolishing the British slave trade passed in 1807, and when the Americans performed the same act of justice by abolishing their traffic in 1806, the earliest moment, it must to their honour be observed, that the Federal Constitution allowed this step to be taken; and when, at a later period, treaties were made, with a view to extinguish the traffic carried on by France, Spain, and Portugal, the plan was in an evil hour adopted which up to the present time has been in operation. The right of search and seizure was confined to certain vessels in the service of the State, and there was held out as an inducement to

quicken the activity of their officers and crews, a promise of head-money,—that is, of so much to be paid for each slave on board the captured ship, over and above the proceeds of its sale upon condemnation. The prize was to be brought in and proceeded against; the slaves were to be liberated; the ship, with her tackle and cargo, to be sold, and the price distributed; but beside this, the sum of five pounds for each slave taken on board was to be distributed among the captors. It must be admitted that the intention was excellent; it must further be allowed, that at first sight the inducement held out seemed likely to work well, by exciting the zeal and rousing the courage of the crews against those desperate miscreants who defiled and desecrated the great highway of nations with their complicated occupation of piracy and murder. I grant it is far easier to judge after the event. Nevertheless, a little reflection might have sufficed to show that there was a vice essentially inherent in the scheme, and that by allotting the chief part of the premium for the capture of slaves, and not of slave ships, an inducement was held out, not to prevent the principal part of the crime, the shipping of the negroes, from being committed, but rather to suffer this in order that the head-money might be gained when the vessel should be captured with that on board which we must still insult all lawful commerce by calling the cargo—that is, the wretched victims of avarice and cruelty, who had been torn from their country, and carried to the loathsome hold. The tendency of this is quite undeniable; and equally so is its complete inconsistency with the whole purpose in view, and indeed the grounds upon which the plan itself is formed; for it assumes that the head-money will prove an inducement to the cruisers, and quicken their activity; it assumes therefore, that they will act so as to obtain the premium: and yet the object in view is to prevent any slaves from being embarked, and consequently anything being

done which can entitle the cruiser to any head-money at all. The cruiser is told to put down the slave trade, and the reward held out is proportioned to the height which that trade is suffered to reach before it is put down. The plan assumes that he requires this stimulus to make him prevent the offence; and the stimulus is applied only after the offence has been in great part committed. The tendency, then, of this most preposterous arrangement cannot be questioned for a moment; but now see how it really works.

The slave vessel is fitted out and sails from her port, with all the accommodations that distinguish such criminal adventures, and with the accustomed equipment of chains and fetters, to torture and restrain the slaves—the investment of trinkets wherewith civilized men decoy savages to make war on one another, and to sell those nearest to them in blood—with the stock of muskets too, prepared by Christians for the trade, and sold at sixteen pence a-piece, but not made to fire above once or twice without bursting in the hand of the poor negro, whom they have tempted to plunder his neighbour or to sell his child. If taken on her way to the African coast, she bears internal evidence, amply sufficient, to convict her of a slave trading destination. I will not say that the cruisers having visited and inspected her, would suffer her to pass onward. I will not impute to gallant and honourable men a breach of duty, by asserting, that knowing a ship to have a guilty purpose, and aware that they had the power of proving this, they would voluntarily permit her to accomplish it. I will not even suggest that vessels are less closely watched on their route towards the coast than on their return from it. But I may at least affirm, without any fear of being contradicted, that the policy which holds out a reward, not to the cruiser who stops such a ship and interrupts her on the way to the scene of her crimes, but to the cruiser who seizes her on her way back when full of

slaves, gives and professes to give the cruiser an interest in letting her reach Africa, taking her cargo of slaves and sail for America. Moreover, I may also affirm with perfect safety, that this policy is grounded upon the assumption that the cruiser will be influenced by the hope of the reward, in performing the service, else of what earthly use can it be to offer it? and consequently I am entitled to conclude, that the offering this reward assumes that the cruiser cares for the reward, and will let the slaver pass on unless she is laden with slaves. If this does not always happen, it is very certainly no fault of the policy which is framed upon such a preposterous principle. But I am not about to argue that any such consequences actually take place. It may or it may not be so in the result; but the tendency of the system is plain. The fact I stop not to examine. I have other facts to state about which no doubt exists at all. The statements of my excellent friend, Mr. Laird, who, with his worthy coadjutor, Mr. Oldfield, has recently returned from Africa, are before the world, and there has been no attempt made to contradict them. Those gallant men are the survivors of an expedition full of hardships and perils, to which, among many others, the learned and amiable Dr. Briggs, of Liverpool, unhappily fell a sacrifice—an irreparable loss to humanity as well as science.

It appears that the course pursued on the coast is this:—The cruiser stationed there to prevent the slave trade, carefully avoids going near the harbour or the creek where the slavers are lying. If she comes within sight, the slaver would not venture to put his cargo on board and sail. Therefore she stands out, just so far as to command a view of the port from the masthead, but herself quite out of sight. The slaver believes the coast is clear; accomplishes his crime of shipping the cargo, and attempts to cross the Atlantic. Now, whether he succeeds in gaining the opposite

shore, or is taken and condemned, let us see what the effect of the system is first of all, in the vessel's construction and accommodation—that is, in the comforts, if such a word can be used in connexion with the hull of a slave ship—rather the torments prepared for her unhappy inmates. Let us see how the unavoidable miseries of the middle passage are exasperated by the contraband nature of the adventure—how the unavoidable mischief is needlessly aggravated by the very means taken to extirpate it. The great object being to escape our cruisers, every other consideration, in the construction of the slave ships, is sacrificed to swiftness of sailing. I am not saying that humanity is sacrificed. I should of course be laughed to scorn by all who are implicated in the African traffic, were I to use such a word in any connexion with it. But all other considerations respecting the vessel herself are sacrificed to swiftness, and she is built so narrow as to put her safety in peril, being made just broad enough on the beam to keep the sea. What is the result to the wretched slaves? Before the trade was put down by us in 1807, they had the benefit of what was termed the Slave Carrying Act. During the twenty years that we spent in examining the details of the question—in ascertaining whether our crimes were so profitable as not to warrant us in leaving them off—in debating whether robbery, piracy, and murder should be prohibited by law, or receive protection and encouragement from the state—we, at least, were considerate enough to regulate the perpetration of them; and while those curious and very creditable discussions were going on, Sir William Dolben's Bill gave the unhappy victims of our cruelty and iniquity the benefit of a certain space between decks, in which they might breathe the tainted air more freely, and a certain supply of provisions and of water to sustain their wretched existence. But now there is nothing of the kind; and the slave is in the same situation in

which our first debates found him above half a century ago, when the venerable Thomas Clarkson awakened the attention of the world to his sufferings. The scantiest portion which will support life is alone provided; and the wretched Africans are compressed and stowed into every nook and cranny of the ship as if they were dead goods concealed on board smuggling vessels. I may be thought to have said enough; but I may not stop here. Far more remains to tell; I approach the darker part of the subject with a feeling of horror and disgust, which I cannot describe, and which three or four days gazing at the picture has not been able to subdue. But I go through the painful duty in the hope of inducing your lordships at once to pronounce the doom of the system which fosters all that you are about to contemplate.

Let me first remind you of the analogy which this head-money system bears to what nearer home was called blood-money. That it produces all the effects of the latter, I am certainly not prepared to affirm; for the giving a reward to informers on capital conviction had the effect of engendering conspiracies to prosecute innocent men, as well as to prevent the guilty from being stopped in their career, until their crimes had ripened into capital offences; and I have no conception that any attempts can be made to capture vessels not engaged in the trade—nor indeed could the head-money, from the nature of the thing, be obtained by any such means. But in the other part of the case the two things are precisely parallel, have the self-same tendency, and produce the same effects; for they both appeal to the same feelings and motives, putting in motion the same springs of human action. Under the old bounty system, no policeman had an interest in detecting and checking guilt until it reached a certain pitch of depravity; until the offences became capital, and their prosecutor could earn forty pounds, they were not worth attending to. The cant expression,

but the significant one, is well known. "He (the criminal) is not yet weight enough—he does not weigh his forty pounds"—was the saying of those who cruised for head-money at the Old Bailey. And thus lesser crimes were connived at by some—encouraged, nurtured, fostered in their growth by others—that they might attain the maturity which the law had in its justice and wisdom said they must reach, before it should be worth any one's while to stop the course of guilt. Left to itself, wickedness could scarcely fail to shoot up and ripen. As soon as he saw that time come, the policeman pounced upon his appointed prey, made his victim pay the penalty of the crime he had suffered, if not encouraged him to commit, and himself obtained the reward provided by the State for the patrons of capital felony. Such within the tropics is the tendency, and such are the effects of our head-money system. The slave ship gains the African shores; she there remains unmolested by the land authorities, and unvisited by the sea; the human cargo is prepared for her; the ties that knit relatives together are forcibly severed; all the resources of force and of fraud, of sordid avarice and of savage intemperance, are exhausted to fill the human market; to prevent all this, nothing, or next to nothing is attempted; the penalty has not as yet attached; the slaves are not on board, and head-money is not due; the vessel, to use the technical phrase, does not yet weigh enough; let her ride at anchor till she reach her due standard of five pounds a slave, and then she will be pursued! Accordingly, the lading is completed; the cruiser keeps out of sight; and the pirate puts to sea. And now begin those horrors—those greater horrors of which I am to speak, and which are the necessary consequences of the whole proceeding, considering with what kind of miscreants our cruisers have to deal.

On being discovered, perceiving that the cruiser is giving chase, the slaver has to determine whether

he will endeavour to regain the port, escaping for the moment, and waiting for a more favourable opportunity, or will fare across the Atlantic, and so perfect his adventure, and consummate his crime, reaching the American shores with a part at least of his lading. How many unutterable horrors are embraced in the word that has slipped my tongue? A part of the lading! Yes—yes—for no sooner does the miscreant find that the cruiser is gaining upon him, than he bethinks him of lightening his ship, and he chooses the heaviest of his goods, with the same regard for them as if they were all inanimate lumber. He casts overboard, men and women and children! Does he first knock off their fetters? No! Why? Because those irons by which they have been held together in couples, for safety—but not more to secure the pirate crew against revolt, than the cargo against suicide——to prevent the Africans from seeking in a watery grave an escape from their sufferings—those irons are not screwed together and padlocked, so as to be removed in case of danger from tempest or from fire—but they are rivetted—welded together by the blacksmith in his forge—never to be removed, nor loosened, until after enduring the horrors of the middle passage, the children of misery shall be landed to bondage in the civilized world, and become the subjects of Christian kings! The irons, too, serve the purpose of weights; and, if time be allowed in the hurry of the flight, more weights are added, to the end that the wretches may be entangled, to prevent their swimming. Why? Because the negro, with that herculean strength which he is endowed withal, and those powers of living in the water which almost give him an amphibious nature, might survive to be taken up by the cruiser, and become a witness against the murderer. The escape of the malefactor is thus provided, both by lightening the vessel which bears him away, and by destroying the evidence of his crimes. Nor is this all. Instances

have been recorded of other precautions used with the same purpose. Water-casks have been filled with human beings; and one vessel threw twelve overboard thus laden. In another chase, two slave ships endeavoured, but in vain, to make their escape, and, my blood curdles when I recite, that, in the attempt, they flung into the sea five hundred human beings, of all ages, and of either sex! These are things related—not by enthusiasts, of heated imagination—not by men who consult only the feelings of humanity, and are inspired to speak by the great horror and unextinguishable indignation that fill their breasts—but by officers on duty, men engaged professionally in the Queen's service. It is not a creation of fancy to add, as these have done, to the hideous tale, that the ravenous animals of the deep are aware of their prey. When the slave ship makes sail, the shark follows in her wake; and her course is literally to be tracked through the ocean by the blood of the murdered, with which her enormous crimes stain its waters. I have read of worse than even this!—But it will not be believed!—I have examined the particulars of scenes yet more hideous, while transfixed with horror, and ashamed of the human form that I wore—scenes so dreadful as it was not deemed fit to lay bare before the public eye! scenes never surpassed in all that history has recorded of human guilt to stain her pages, in all that poets have conceived to harrow up the soul! scenes compared with which the blood-stained annals of Spain—cruel and sordid Spain—have registered only ordinary tales of avarice and suffering—though these have won for her an unenvied pre-eminence of infamy! scenes not exceeded in horror by the forms with which the great Tuscan poet peopled the hell of his fancy, nor by the dismal tints of his illustrious countryman's pencil, breathing its horrors over the vaults of the Sistine chapel! *Mortua quin etiam jungebat corpora vivis!* On the deck and in the loathsome hold are to be seen

the living chained to the dead—the putrid carcase remaining to mock the survivor with a spectacle that to him presents no terrors—to mock him with the spectacle of a release which he envies! Nay, women have been known to bring forth the miserable fruit of the womb surrounded by the dying and the dead—the decayed corpses of their fellow-victims.

Am I asked how these enormities shall be prevented? First, ask me, to what I ascribe them? and then my answer is ready. I charge them upon the system of head-money which I have described, and of whose tendency no man can pretend to doubt. Reward men for preventing the slaver's voyage, not for interrupting it—for saving the Africans from the slave ship, not for seizing the ship after it has received them; and then the inducement will be applied to the right place, and the motive will be suited to the act you desire to have performed.

But I have hitherto been speaking of the intolerable aggravation which we superadd to the traffic. Its amount is another thing. Do all our efforts materially check it? Are our cruisers always successful? Are all flags, and all the slavers under any flag, subject to search, and liable to capture? I find that the bulk of this infernal traffic is still undiminished; that though many slave ships may be seized, many more escape and reach the New World; and that the numbers still carried thither are as great as ever. Of this sad truth the evidence is but too abundant and too conclusive. The premium of insurance at the Havannah is no higher than 12½ per cent. to cover all hazards. Of this, 4½ per cent. is allowed for sea risk and underwriter's profits, leaving but eight for the chance of capture. But in Rio it is as low as 11 per cent., leaving but 6½ for risk of capture. In the year 1835, 80 slave ships sailed from the Havannah alone; and I have a list of the numbers which 6 of those brought back, giving an average of about 360; so that above 28,000 were

brought to that port in a year. In the month of December of that year, between 4,000 and 5,000 were safely landed in the port of Rio, the capital of our good friend and ally the Emperor of Brazil. It is frightful to think of the numbers carried over by some of these ships. One transported 570, and another no less than 700 wretched beings. I give the names of these execrable vessels—the Felicidad and the Socorro. Of all slave traders, the greatest—of all the criminals engaged in these guilty crimes, the worst—are the Brazilians, the Spaniards, and the Portuguese—the three nations with whom our commerce is the closest, and over whom our influence is the most commanding. These are the nations with whom we (and I mean France as well as ourselves) go on in lingering negotiation—in quibbling discussion—to obtain some explanation of some article in a feeble inefficient treaty, or some extension of an ineffectual right of search,—while their crimes lay all Africa waste, and deluge the seas with the blood of her inhabitants. Yet if a common and less guilty pirate dared pollute the sea, or wave his black flag over its waves, let him be of what nation he pleased to libel by assuming its name, he would in an instant be made to pay the forfeit of his crimes. It was not always so. We did not in all times, nor in every cause, so shrink from our duty through delicacy or through fear. When the thrones of ancient Europe were to be upheld, or their royal occupants to be restored, or the threatened privileges of the aristocracy wanted champions, we could full swiftly advance to the encounter, throw ourselves into the breach, and confront alone the giant arm of republics and of emperors wielding the colossal power of France. But now when the millions of Africa look up to us for help—when humanity and justice are our only clients—I am far from saying that we do not wish them well: I can believe that if a word could give them success—if a wave of the hand sufficed to end the fray

—the word would be pronounced—the gesture would not be withholden; but if more be wanted,—if some exertion is required—if some risk must be run in the cause of mercy—then our tongue cleaves to the roof of our mouth; our hand falls paralyzed; we pause and falter, and blanch and quail before the ancient and consecrated monarchy of Brazil, the awful might of Portugal, the compact, consolidated, overwhelming power of Spain! My Lords, I trust—I expect—we shall pause and falter, and blanch and quail no more! Let it be the earliest, and it will be the most enduring glory of the new reign, to extirpate at length this execrable traffic! I would not surround our young Queen's throne with fortresses and troops, or establish it upon the triumphs of arms and the trophies of war —no, not I!

Οὐ γὰρ λίθοις ἐτειχίσα τὴν πόλιν οὐδὲ πλίνθοις ἐγώ, οὐδ' ἐπὶ τούτοις μέγιστον τῶν ἐμαυτοῦ φρονῶ· ἀλλ' ἐὰν τὸν ἐμὸν τειχισμόν, κ. τ. λ.*

I would build her renown neither upon military nor yet upon naval greatness: but upon rights secured, upon liberties extended, humanity diffused, justice universally promulgated. In alliance with such virtues as these I would have her name descend to after ages. I would have it commemorated for ever, that in the first year of her reign, her throne was fortified, and her crown embellished, by the proudest triumph over the worst of crimes—the greatest triumph mortal ever won, over the worst crime man ever committed!

* ΔΗΜ. Περὶ Στέφ.

SPEECH

ON THE

IMMEDIATE EMANCIPATION

OF

THE NEGRO APPRENTICES.

DEDICATION.

TO

THE MARQUESS OF SLIGO, K.P.,

ETC., ETC., ETC.,

LATE GOVERNOR AND CAPTAIN-GENERAL OF JAMAICA.

This Speech is inscribed with peculiar propriety to the humane and virtuous Viceroy, who, himself a master of slaves, gained by his just and beneficent government of the greatest slave colony in the world, the truly enviable title of the poor negro's friend. The only other publication upon the subject to which I ever affixed my name, was dedicated to an illustrious statesman, whose life has been devoted to his country's service, and whose noble ambition has always connected itself with the improvement of mankind, by that natural sympathy which unites brilliant genius with public virtue. But the fame with which your administration has surrounded your character makes it not unfit to name you even after a Wellesley.

The anxiety expressed from all parts of the country to obtain an authentic report of this Speech, and the acceptance with which my countrymen have honoured the humble though zealous efforts of their fellow-labourer in this mighty work, I regard as by far the highest gratification of a long public life. The present occasion also affords me an opportunity of contradicting the studied misrepresentations of some injudicious supporters of the Government, who have not

scrupled to assert that my principal object in proposing the measures of yesterday, was not the abolition of negro apprenticeship, but only the regulation of the master's conduct. Nothing can be more wide of the fact than such a statement.

I appeal to your Lordship, and to all who heard me, whether my whole contention was not in behalf of instant and complete emancipation, as the only effectual remedy, and whether I wasted more than a single sentence upon any mere palliatives. To regulate the master's conduct, while the abominable system is suffered to continue, was the purpose of the first five resolutions —but my whole forces, such as they are, were brought to bear upon the only position to take which I was very anxious, and to force an immediate, unconditional surrender of the master's rights—an immediate unconditional liberation of the slave.

I think I have some right to complain of these misstatements. It was surely enough that I should be resisted by the whole strength of the Government, and that, in consequence of their resistance, my great object of obtaining the negro's freedom should be defeated, as well as all hopes of effectually destroying the slave trade itself disappointed by the rejection of my other propositions. There is a refinement of subtle injustice in those men propagating a belief through the country, that the conduct of the Ministry, by which my motion was defeated, and by which I verily think their official existence is endangered, did not altogether thwart the intentions of the parties by whom that motion was brought forward and supported. The reader of this speech will be at no loss to perceive how entirely its object was the immediate destruction of slavery, and how invariably every word of it was inspired by hostility to the existing system, inextinguishable and uncompromising.

BROUGHAM.

February 21, 1838.

SPEECH ON

EMANCIPATION OF NEGRO APPRENTICES.

HOUSE OF LORDS—FEBRUARY 20, 1838.

I DO not think, my Lords, that ever but once before, in the whole course of my public life, I have risen to address either House of Parliament with the anxiety under which I labour at this moment. The occasion to which alone I can liken the present, was, when I stood up in the Commons to expose the treatment of that persecuted Missionary whose case gave birth to the memorable debate upon the condition of our negro brethren in the colonies—a debate happily so fruitful of results to the whole of this great cause. But there is this difference between the two occasions to sustain my spirits now, that whereas, at the former period, the horizon was all wrapt in gloom, through which not a ray of light pierced to cheer us, we have now emerged into a comparatively bright atmosphere, and are pursuing our journey full of hope. For this we have mainly to thank that important discussion, and those eminent men who bore in it so conspicuous a part. And now I feel a further gratification in being the means of enabling your lordships, by sharing in this great and glorious work—nay, by leading the way towards its final accomplishment, to increase the esteem in which you are held by your fellow-citizens; or if, by any differences of opinion on recent measures, you may unhappily have lost any portion of the public favour, I know of no path more short, more sure, or more

smooth by which you may regain it. But I will not rest my right to your co-operation upon any such grounds as these. I claim your help by a higher title. I rely upon the justice of my cause—I rely upon the power of your consciences—I rely upon your duty to God and to man—I rely upon your consistency with yourselves—and, appealing to your own measure of 1833, if you be the same men in 1838, I call upon you to finish your own work, and give at length a full effect to the wise and Christian principles which then guided your steps.

I rush at once into the midst of this great argument. I drag before you, once more, but I trust for the last time, the African slave trade, which I lately denounced here, and have so often denounced elsewhere. On this we are all agreed. Whatever difference of opinion may exist on the question of slavery, on the slave traffic there can be none. I am now furnished with a precedent which may serve for an example to guide us. On slavery we have always held that the Colonial Legislatures could not be trusted; that, to use Mr. Canning's expression, you must beware of allowing the masters of slaves to make laws upon slavery. But upon the detestable traffic in slaves, I can show you the proceeding of a colonial assembly, which we should ourselves do well to adopt after their example. These masters of slaves, not to be trusted on that subject, have acted well and wisely on this. I hold in my hand a document, which I bless Heaven that I have lived to see. The Legislature of Jamaica, owners of slaves, and representing all other slave owners, feel that they also represent the poor negroes themselves: and they approach the throne, expressing themselves thankful—tardily thankful, no doubt—that the traffic has been now for thirty years put down in our own colonies, and beseeching the Sovereign to consummate the great work by the only effectual means—of having it declared piracy by the law of nations, as it is robbery, and

piracy, and murder by the law of God. This address is precisely that which I desire your lordships now to present to the same gracious Sovereign. After showing how heavily the foreign slave trade presses upon their interests, they take higher ground in this remarkable passage:—"Nor can we forego the higher position, as a question of humanity; representing all classes of the island, we consider ourselves entitled to offer to your Majesty our respectful remonstrance against the continuance of this condemned traffic in human beings. As a community, composed of the descendants of Africa as well as Britain, we are anxious to advance the character of the country; and we, therefore, entreat your Majesty to exert your interest with foreign powers to cause this trade at once to be declared piracy, as the only effectual means of putting it down, and thereby to grace the commencement of your auspicious reign."

My Lords, I will not stop to remind the lawgivers of Jamaica why it is that the slave traffic is a crime of so black a dye. I will not remind them that if slavery were no more, the trade in slaves must cease; that if the West Indies were like England, peopled with free men, cultivated only by free hands, where no man can hold his fellow-creature in bondage, and the labourer cannot be tormented by his masters; if the cart-whip having happily been destroyed, the doors of the prison-house were also flung open, and chains, and bolts, and collars were unknown, and no toil endured but by the workman's consent, nor any effort extorted by dread of punishment; the traffic which we justly call not a trade but a crime, would no longer inflict the miseries with which it now loads its victims, who, instead of being conveyed to a place of torture and misery, would be carried into a land of liberty and enjoyment. Nor will I now pause to consider the wishes of some colonies, in part, I am grieved to say, granted by the government, that the means should be afforded them of bringing over what they call labourers from other

parts of the globe, to share in the sufferings of slavery, hardly mitigated under the name of apprenticeship. That you should ever join your voices with them on this matter, is a thing so out of the question that I will not detain you with one other remark upon it. But so neither have I any occasion to go at present into the subject of the slave trade altogether, after the statements which I lately made in this place upon the pernicious effects of our head-money, the frightful extent of the negro traffic, and the horrible atrocities which mark its course still more awfully now than before. In order to support my call upon your lordships for the measures which alone can extirpate such enormities, I need but refer you to those statements. Since I presented them here, they have been made public, indeed promulgated, all over the kingdom, and they have met with no contradiction, nor excited the least complaint in any quarter, except that many have said the case was understated; and that in one place, and only in one, I have been charged with exaggeration. I have read with astonishment, and I repel with scorn, the insinuation, that I had acted the part of an advocate, and that some of my statements were coloured to serve a cause. How dares any man so to accuse me? How dares any one, skulking under a fictitious name, to launch his slanderous imputations from his covert? I come forward in my own person. I make the charge in the face of day. I drag the criminal to trial. I openly call down justice on his head. I defy his attacks. I defy his defenders. I challenge investigation. How dares any concealed adversary to charge me as an advocate speaking from a brief, and misrepresenting the facts to serve a purpose? But the absurdity of this charge even outstrips its malice. I stated that the negroes were thrown overboard in pairs during a chase, to lighten the ship and enable her to escape; thrown overboard in fetters, that they might sink, and not be witnesses against the murderers. The answer is, that

this man, if man he be, had been on board slave ships, and never seen such cruelties. I stated that the fetters were not locked, but rivetted in the forge. The answer is, that the writer had been on board of slave vessels, and seen fetters which were locked, and not rivetted. How dares any man deny a statement made upon authority referred to by name, on such a trumpery story as this? As well might he argue that a murder sworn to by fifty or a hundred credible witnesses, had never been committed, because some one came forward and said he had not seen it done. Did I not give the particulars? Did I not avouch my authority? Did I not name the gallant officer from whose official report, printed and published, my account was taken? Did I not give the respected name of Commodore Hayes, one of the best esteemed officers in her Majesty's service? I, indeed, understated the case in many particulars. But, my Lords, if I have not been chargeable with exaggeration — if all who took part in the former debate, whether in or out of office, agreed in acquitting me of that—so neither shall I be charged for the future with understating the atrocities of the case. What I then withheld, I will now tell—and not keeping back my authority now any more than I did before, I appeal to my noble friend near me * for the truth of the appalling story, himself a planter, and an owner of slaves. I ask him if he did not know a vessel brought in with a cargo of a hundred and eighty or two hundred wretched beings jammed into a space three feet and a-half in height?

Lord Sligo—Two and a-half.

Lord Brougham—There, my Lords, I am understating again. Into that space of two feet and a-half between the decks, that number of miserable creatures were jammed, like inanimate lumber, certainly in a way in which no Christian man would crowd dumb

* Lord Sligo.

animals. My noble friend will say whether or not that vessel, whose slaves had never been released, or even washed, or in any way cleansed, since it left the African coast, presented an intolerable nuisance to all the senses—a nuisance unfit for any description. Nor is this all. I will be chargeable with understatement no more! The ophthalmia had broken out among the poor creatures thus kept in unspeakable torment; and as often as any one was seized, instead of affording him any medical or other assistance, he was instantly cast overboard, and sunk in his chain, with the view of stopping the infection. I will understate things no more! I said before that as many as 700 slaves were carried across the sea in one ship; there I stopped, for to those who know what a slave ship is, this sufficed to harrow up every feeling of the soul. But another vessel brought away, first and last, in one voyage, 980 miserable, unoffending, simple beings; and of this number, without any chase, or accident, or violence, or any acts of wholesale murder, such as those we have been contemplating, six hundred perished in the voyage, through the hardships and sufferings inseparably connected with this execrable traffic. Of 23 or 2,400 carried away by four other ships, no less than 1,500 perished in like manner, having fallen a sacrifice to the pestilential hold. How this enormous crime of these foreign nations is to be rooted out I know full well. You must no longer treat it as a mere contraband trade—no longer call murder smuggling, or treat pirates as offenders against the revenue laws. As long as our slave traders were so dealt with, they made this calculation—"If we escape three times in four, our profits are so large that the seizure and confiscation can be well afforded; nay, if we are taken as often as we escape, the ships netting 20, 30, even as much as 50 and 60,000 pounds a voyage, we can well afford to lose 1,500 or 2,000 pounds when the adventure fails." So they ran the risk, and on a calculation of

profit and loss were fully justified. But I had in 1811 the singular happiness of laying the axe to the root of this detestable system. I stopt all those calculations by making the trade felony and punishing it as such; for well I knew that they who would run the risk of capture when all they could suffer by it was a diminution of their profits, would be slow to put their heads in the noose of the halter which their crimes so richly deserved. The measure passed through all its stages in both Houses without one dissenting voice; and I will venture to assert that ever since, although English capital, I have too much reason to think, finds its way into the foreign slave trade, no Englishman is concerned directly with it in any part of the world. Trust me, the like course must be taken if we would put an end to the same crimes in other countries. Piracy and murder must be called by their right names, and visited with their appropriate penalties. That the Spanish and Portuguese traders now make the same calculations which I have been describing, is a certain fact. I will name one—Captain Inza, of the ship Socorro, who, on being captured, had the effrontery to boast that he had made fourteen slave voyages, and that this was the first time he had been taken. Well might he resolve to run so slight a risk for such vast gains; but had the fate of a felon-pirate awaited him, not all the gains which might tempt his sordid nature would have prevailed upon him to encounter that hazard.

I formerly recounted instances of murder done by wholesale in the course of the chase of our cruisers. I might have told a more piteous tale; and I will no longer be accused of understating this part of the case either. Two vessels were pursued. One after another, negroes were seen to be thrown overboard to the number of a hundred and fifty, of all ages—the elder and stronger ones loaded with their fetters, to prevent them from swimming or floating—the weaker were

left unchained to sink or expire; and this horrible spectacle was presented to the eyes of our cruisers' men—they saw, unable to lend any help, the water covered with those hapless creatures, the men sinking in their chains—the women, and—piteous sight!—the infants and children struggling out their little strength in the water till they too were swallowed up and disappeared!

I now approach a subject, not, indeed, more full of horrors, or of greater moment, but on which the attention of the people has for some time past been fixed with an almost universal anxiety, and for your decision upon which they are now looking with the most intense interest—let me add, with the liveliest hopes. I need not add that I mean the great question of the condition into which the slaves of our colonies were transferred as preparatory to their complete liberation—a subject upon which your table has been loaded with so many petitions from millions of your fellow-countrymen. It is right that I should first remind your lordships of the anxious apprehensions which were entertained in 1833, when the Act was passed, because a comparison of those fears with the results of the measure, will form a most important ingredient of the argument which I am about to urge for the immediate liberation of the apprentices. I well remember how uneasy all were in looking forward to the first of August, 1834, when the state of slavery was to cease, and I myself shared in those feelings of alarm when I contemplated the possible event of the vast but yet untried experiment. My fears proceeded first from the character of the masters. I knew the nature of man, fond of power, jealous of any interference with its exercise, uneasy at its being questioned, offended at its being regulated and constrained, averse above all to have it wrested from his hands, especially after it has been long enjoyed, and its possession can hardly be severed from his nature. But I also am

aware of another and a worser part of human nature. I know that whoso has abused power, clings to it with a yet more convulsive grasp. I dreaded the nature of man, prone to hate whom he has injured—because I knew that law of human weakness which makes the oppressor hate his victim, makes him who has injured never forgive, fills the wrong-doer with vengeance against those whose right it is to vindicate their injuries on his own head. I knew that this abominable law of our evil nature was not confined to different races, contrasted hues, and strange features, but prevailed also between white man and white—for I never yet knew any one hate me, but either those whom I had served, or those who had done me some grievous injustice. Why then should I expect other feelings to burn within the planter's bosom, and govern his conduct towards the unhappy beings who had suffered so much and so long at his hands? But, on the part of the slaves, I was not without some anxiety, when I considered the corrupting effects of that degrading system under which they had for ages groaned, and recognized the truth of the saying in the first and the earliest of profane poets, that "the day which makes a man a slave robs him of half his value." I might well think that the West India slave offered no exception to this maxim; that the habit of compulsory labour might have incapacitated him from voluntary exertion; that over much toil might have made all work his aversion; that never having been accustomed to provide for his own wants, while all his supplies were furnished by others, he might prove unwilling or unfit to work for himself, the ordinary inducements to industry never having operated on his mind. In a word, it seemed unlikely that long disuse of freedom might have rendered him too familiar with his chains to set a right value on liberty; or that, if he panted to be free, the sudden transition from the one state to the other, the instantaneous enjoyment of the object

of his desires, might prove too strong for his uncultured understanding, might overset his principles, and render him dangerous to the public peace. Hence it was that I entertained some apprehensions of the event, and yielded reluctantly to the plan proposed of preparing the negroes for the enjoyment of perfect freedom by passing them through the intermediate state of Indentured Apprenticeship. Let us now see the results of their sudden though partial liberation, and how far those fears have been realized; for upon this must entirely depend the solution of the present question—Whether or not it is safe now to complete the emancipation, which, if it only be safe, we have not the shadow of right any longer to withhold.—Well, then, let us see.

The First of August came, the object of so much anxiety and so many predictions—that day so joyously expected by the poor slaves, so sorely dreaded by their hard taskmasters; and surely if ever there was a picture interesting, even fascinating to look upon—if ever there was a passage in a people's history that redounded to their eternal honour—if ever triumphant answer was given to all the scandalous calumnies for ages heaped upon an oppressed race, as if to justify the wrongs done them—that picture, and that passage, and that answer were exhibited in the uniform history of the auspicious day all over the islands of the Western sea. Instead of the horizon being lit up with the lurid fires of rebellion, kindled by a sense of natural though lawless revenge, and the just resistance to intolerable oppression—the whole of that wide-spread scene was mildly illuminated with joy, contentment, peace, and good-will towards men. No civilized nation, no people of the most refined character, could have displayed, after gaining a sudden and signal victory, more forbearance, more delicacy, in the enjoyment of their triumph, than these poor untutored slaves did upon the great consummation of all their wishes which they had just attained.

Not a gesture or a look was seen to scare the eye—not a sound or a breath from the negro's lips was heard to grate on the ear of the planter. All was joy, congratulation, and hope. Everywhere were to be seen groups of these harmless folks assembled to talk over their good fortune; to communicate their mutual feelings of happiness; to speculate on their future prospects. Finding that they were now free in name, they hoped soon to taste the reality of liberty. Feeling their fetters loosened, they looked forward to the day which should see them fall off, and the degrading marks which they left be effaced from their limbs. But all this was accompanied with not a whisper that could give offence to the master by reminding him of the change. This delicate, calm, tranquil joy, was alone to be marked on that day over all the chain of the Antilles.—Amusements there were none to be seen on that day—not even their simple pastimes by which they had been wont to beguile the hard hours of bondage, and which reminded that innocent people of the happy land of their forefathers, whence they had been torn by the hands of Christian and civilized men. The day was kept sacred as the festival of their liberation; for the negroes are an eminently pious race. They enjoy the advantages of much religious instruction, and partake in a large measure of spiritual consolation. These blessings they derive not from the ministrations of the Established Church—not that the aid of its priests is withheld from them, but the services of others, of zealous missionaries, are found more acceptable and more effectual, because they are more suited to the capacity of the people. The meek and humble pastor, although perhaps more deficient in secular accomplishments, is far more abounding in zeal for the work of the vineyard, and being less raised above his flock, is better fitted to guide them in the path of religious duty. Not made too fine for his work by pride of science, nor kept apart by any peculiar refinement of taste, but in-

spired with fervent devotion to the interests of his flock, the missionary pastor lives but for them; their companion on the week-day, as their instructor on the Sabbath; their friend and counsellor in temporal matters, as their guide in spiritual concerns. These are the causes of the influence he enjoys—this the source from whence the good he does them flows. Nor can I pass by this part of the West Indian picture without rendering the tribute of heartfelt admiration which I am proud to pay, when I contemplate the pious zeal, the indefatigable labours of these holy and disinterested men; and I know full well that if I make my appeal to my noble friend* he will repeat the testimony he elsewhere bore to the same high merits, when he promulgated his honest opinion, that "for the origin of all religious feeling among the negroes, it is among the missionaries, and not the clergy, we must look." Therefore it was that fourteen years ago, I felt all the deep anxiety to which I this night began by referring, when it was my lot to drag before the Commons of England the persecutors of one among the most useful, most devoted, and most godly of that estimable class who for his piety and his self-devotion had been hunted down by wicked men, conspiring with unjust judges, and made to die the death for teaching to the poor negroes the gospel of peace. I am unspeakably proud of the part I then took; I glory mightily in reflecting that I then struck, aided and comforted by far abler men,† the first of those blows, of which we are now aiming the last, at the chains that bind the harmless race of our colonial peasantry. The First of August came—and the day was kept a sacred holiday, as it will ever be

* Lord Sligo.

† The great exertions on that memorable occasion of Lord Chief Justice Denman, Sir J. Mackintosh, Dr. Lushington, and others, are well known; and the report of the interesting debate does them justice. But no one from merely reading it can form an adequate idea of Mr. Justice Williams's admirable speech, distinguished alike for closeness of argument and for the severity of Attic taste.

kept to the end of time throughout all the West Indies. Every church was crowded from early dawn, with devout and earnest worshippers. Five or six times in the course of that memorable Friday were all those churches filled and emptied in succession by multitudes who came, not coldly to comply with a formal ceremonial, not to give mouth worship or eye worship, but to render humble and hearty thanks to God for their freedom at length bestowed. In countries where the bounty of nature provokes the passions, where the fuel of intemperance is scattered with a profuse hand, I speak the fact when I tell that not one negro was seen in a state of intoxication. Three hundred and forty thousand slaves in Jamaica were at once set free on that day, and the peaceful festivity of these simple men was disturbed only on a single estate, in one parish, by the irregular conduct of three or four persons, who were immediately kept in order, and tranquillity in one hour restored.

But the termination of slavery was to be the end of all labour; no man would work unless compelled—much less would any one work for hire. The cart-whip was to resound no more, and no more could exertion be obtained from the indolent African. I set the fact against these predictions. I never have been in the West Indies; I was one of those whom, under the name of reasoners, and theorists, and visionaries, all planters pitied for incurable ignorance of colonial affairs; one of those who were forbidden to meddle with matters of which they could only judge who had the practical knowledge of experienced men on the spot obtained. Therefore I now appeal to the fact—and I also appeal to one who has been in the West Indies, is himself a planter, and was an eye-witness of the things upon which I call for his confirmatory testimony. It is to my noble friend* that I appeal. He knows, for he

* Lord Sligo.

saw, that ever since slavery ceased, there has been no want of inclination to work in any part of Jamaica, and that labour for hire is now to be had without the least difficulty by all who can afford to pay wages—the apprentices cheerfully working for those who will pay them, during the hours not appropriated to their masters. My noble friend made an inquisition as to the state of this important matter in a large part of his government; and I have his authority for stating, that, in nine estates out of ten, labourers for hire were to be had without the least difficulty. Yet this was the people of whom we were told with a confidence that set all contradiction at defiance, with an insulting pity for the ignorance of us who had no local experience, that without the lash there would be no work done, and that when it ceased to vex him the African would sink into sleep. The prediction is found to have been utterly false; the negro peasantry is as industrious as our own; and wages furnish more effectual stimulus than the scourge. O but, said the men of colonial experience—the true practical men—this may do for some kinds of produce. Cotton may be planted—coffee may be picked—indigo may be manufactured—all these kinds of work the negro may probably be got to do; but at least the cane will cease to grow—the cane-piece can no more be hoed, nor the plant be hewn down, nor the juice boiled, and sugar will utterly cease out of the land. Now, let the man of experience stand forward—the practical man, the inhabitant of the colonies—I require that he now come forth with his prediction, and I meet him with the fact. Let him but appear, and I answer for him, we shall hear him prophesy no more. Put to silence by the fact, which even these confident men have not the courage to deny, they will at length abandon this untenable ground. Twice as much sugar by the hour was found, on my noble friend's* inquiry, to

* Lord Sligo.

be made since the apprenticeship as under the slave system, and of a far better quality; and one planter on a vast scale has said, that, with twenty free labourers, he could do the work of a hundred slaves. But linger not on the islands where the gift of freedom has been but half bestowed—look to Antigua and Bermuda, where the wisdom and the virtue has been displayed, of at once giving complete emancipation. To Montserrat the same appeal might have been made, but for the folly of the Upper House, which threw out the bill passed in the Assembly by the representatives of the planters. But in Antigua and Bermuda, where, for the last three years and a-half, there has not even been an apprentice—where all have been at once made as free as the peasantry of this country—the produce has increased, not diminished, and increased notwithstanding the accidents of bad seasons, droughts, and fires.

But then we were told by those whose experience was reckoned worth so much more than our reasoning, that even if by some miracle industry should be found compatible with liberty, of which indeed we in our profound ignorance of human nature had been wont to regard it as the legitimate offspring; at all events, the existence of order and tranquillity was altogether hopeless. After so long being inured to the abject state of slavery, its sudden cessation, the instant transition from bondage to freedom, must produce convulsions all over the Colonies, and the reign of rebellion and anarchy must begin. Not content with reasoning, the practical men condescended to tax their luxuriant imagination for tropes to dazzle and delude whom their arguments might fail to convince. The child could not walk alone if his leading-strings were cut away—the full-grown tree could not be transplanted—the limbs cramped by the chain could not freely move—the maniac might not safely be freed from the keeper's control;—and Mr. Windham used to bring the play of his own lively fancy upon the

question, and say, that if it was a cruel thing to throw men out of the window, he saw no great kindness in making up for the injury you had done by throwing them back again into the house. Alas! for all those prophecies, and reasonings, and theories, and figures of speech! The dawn of the First of August chased away the phantoms, and instead of revolt and conspiracy, ushered in order and peace. But the fanciful men of experience, the real practical visionaries of the West Indies, though baffled, were not defeated. Only wait, they said, till Christmas—all who know the negro character dread rebellion then—all experience of negro habits shows that to be the true season of revolt. We did wait till Christmas—and what happened? I will go to Antigua, because there the emancipation began suddenly, without any preparatory state of apprenticeship—with no gradual transition, but the chains knocked off at once, and the slave in an instant set free. Let then the men of practical experience hear the fact. For the first time these thirty years, on that day, Christmas, 1834, martial law was not proclaimed in Antigua. You call for facts; here is a fact—a fact that speaks volumes. You appeal to experience—here is experience, your own experience; and now let the man who scoffed at reasoning—who laughed us to scorn as visionaries, deriding our theories as wild fancies, our plans of liberty as frantic schemes which never could be carried into effect, whose only fruit must be wide-spreading rebellion, and which must entail the loss of all other colonies—let him come forward now; I dare him to deny one of the statements I have made. Let those who thought the phrases "Jamaica Planter"—"Colonial interest"—"West Indian residence"—flung into the scale of oppression, could make that of mercy and freedom kick the beam—let them now hear the fact, and hold their peace; the fact, that neither on the first day of emancipation, nor on the following Christmas, the negro festival, was there any breach of

the peace committed over all the West Indian world. Then, after these predictions had all failed—these phantasies been all dispelled—the charges against the negro race been thoroughly disproved—surely we might have looked for a submission to the test of experience itself, from the men of experience, and an acquittal of those so unjustly accused, after the case against them had been so signally defeated. No such thing. The accusers, though a second time discomfited, were not subdued; and there was heard a third appeal to a future day—an appeal which had I not read it in print, and heard of it in speeches, I could not have believed possible. Only wait, said these planters, till the anniversary of the First of August, and then you will witness the effects of your rash counsels! Monstrous effort of incurable prejudice—almost judicial blindness! As if they whom the event of liberation itself could not excite to commit the least disorderly act, would be hurried into rebellion by the return next year of the day on which it had happened; and having withstood all temptation to irregular conduct in the hour of triumph, would plunge into excess in celebrating its anniversary! I will not insult the understandings of your Lordships by adding that this prediction shared the fate of all the rest. And are we then now to set at nought all the lessons of real and long continued and widely extended experience? Are we never to profit by that of which we are for ever to prate? I ask you not to take advantage of other men's experience, by making its fruits your own—to observe what they have done or have suffered, and, wise by the example, to follow or to avoid. That indeed is the part of wisdom, and reflecting men pride themselves upon pursuing such a course. But I ask nothing of the kind—my desires are more humble—my demand is more moderate far. I only ask you to be guided by the results of your own experience, to make some gain by that for which you have paid so costly a price.

Only do not reject the lesson which is said, in the Book you all revere, to teach even the most foolish of our foolish kind; only show yourselves as ready to benefit by experience as the fool whom it proverbially is able to teach—and all I desire is gained.

But now, my Lords, my task is accomplished, my work is done. I have proved my case, and may now call for judgment. I have demonstrated every part of the proposition which alone it is necessary that I should maintain, to prove the title of the apprentice to instant freedom from his task-masters, because I have demonstrated that the liberation of the slave has been absolutely, universally safe—attended with not even inconvenience—nay, productive of ample benefits to his master. I have shown that the apprentice works without compulsion, and that the reward of wages is a better incentive than the punishment of the lash. I have proved that labour for hire may anywhere be obtained as it is wanted and can be purchased—all the apprentices working extra hours for hire, and all the free negroes, wherever their emancipation has been complete, working harder by much for the masters who have wherewithal to pay them, than the slave can toil for his owner or the apprentice for his master. Whether we look to the noble-minded Colonies which have at once freed their slaves, or to those who still retain them in a middle and half-free condition, I have shown that the industry of the Negro is undeniable, and that it is constant and productive in proportion as he is the director of its application and the master of its recompense. But I have gone a great deal farther —I have demonstrated by a reference to the same experience—the same unquestioned facts—that a more quiet, peaceful, inoffensive, innocent race, is not to be found on the face of this earth, than the Africans—not while dwelling in their own happy country, and enjoying freedom in a natural state, under their own palm trees, and by their native streams—but after they have

been torn away from it, enslaved, and their nature perverted in your Christian land, barbarized by the policy of civilized states—their whole character disfigured, if it were possible to disfigure it—all their feelings corrupted, if you could have corrupted them. Every effort has been made to spoil the poor African —every resource of wicked ingenuity exhausted to deprave him,—all the incentives to misconduct placed around him by the fiend-like artifice of Christian, civilized men—and his excellent nature has triumphed over all your arts—your unnatural culture has failed to make it bear the poisonous fruit that might well have been expected from such abominable husbandry—though enslaved and tormented, degraded and debased, as far as human industry could effect its purpose of making him blood-thirsty and savage, his gentle spirit has prevailed, and preserved, in spite of all your prophecies, ay, and of all your efforts, unbroken tranquillity over the whole Caraibean chain! Have I not then proved my case? I show you that the whole grounds of the arrangement of 1833, the very pretext for withholding complete emancipation, alleged incapacity for labour, and risk of insurrection, utterly fail. I rely on your own records; I refer to that record which cannot be averred against; I plead the record of your own statute. On what ground does its preamble rest the necessity of the intermediate, or apprentice state—all admitting that nothing but necessity could justify it?—"Whereas it is expedient that provision should be made for promoting the industry, and securing the good conduct of the manumitted Slaves."—These are the avowed reasons for the measure—these its only defence. All men confessed, that, were it not for the apprehension of liberated Slaves not working voluntarily, and not behaving peaceably—of Slavery being found to have unfitted them for industry, and of a sudden transition to complete freedom being fraught with danger to the peace of society—you had no right

to make them indented apprentices, and must at once set them wholly free. But the fear prevailed, which the event gives me a right now to call a delusion; and the apprenticeship was reluctantly agreed to. The delusion went farther. The planter succeeded in persuading us that he would be a vast loser by the change, and we gave him twenty millions sterling money to indemnify him for the supposed loss. The fear is found to be utterly baseless—the loss is a phantom of the brain—a shape conjured up by the interested parties to frighten our weak minds—and the only reality in this mockery is the payment of that enormous sum to the crafty and fortunate magician for his incantations. The spell is dissolved—the charm is over;—the unsubstantial fabric of calculating alarm, reared by the colonial body with our help, has been crushed to atoms, and its fragments scattered to the wind. And now, I ask, suppose it had been ascertained in 1833, when you made the apprenticeship law, that these alarms were absolutely groundless—the mere phantom of a sick brain, or contrivance of a sordid ingenuity—would a single voice have been raised in favour of the intermediate state? Would the words Indentured Apprenticeship ever have been pronounced? Would the man have been found endued with the courage to call for keeping the negro in chains one hour after he had been acknowledged entitled to his freedom?

I freely admit that formerly, and before the event, when the measure was passed, the proof was upon us, who maintained that the experiment of emancipation was safe. We did not pretend to deny all risk; we allowed the possibility of a loss being sustained by the planters; nay, we did more; we took for granted there would be a loss, and a loss to the amount of twenty millions, and that vast sum we cheerfully paid to indemnify them. Then we had not the facts with us; all experience was said to be the other way; and because we could only offer argument against the opinions

of practical men of local knowledge, we were fain to let them take everything their own way, and receive our money by way of securing them against the possibility of damage. But now the case is reversed; the facts are all with us; experience has pronounced in our favour, and the burthen of the proof is thrown on the planter, or whoever would maintain, contrary to the result of the trial already made, that there is any risk whatever in absolute emancipation. The case lies in a narrow compass; the sudden transition from absolute slavery to apprenticeship—from the condition of chattels to that of men—has been made without the least danger whatever, though made without the least preparation. It is for those who, in spite of this undoubted fact, maintain that the lesser step of substituting freedom for apprenticeship will be dangerous, though made after a preparation of three years, to prove their position. Therefore I am not bound to maintain the opposite proposition, by any one argument or by a single fact. Nevertheless, I do prove the negative, against those upon whom it lies to prove the affirmative; I gratuitously demonstrate, both by argument and by fact, that the transition to freedom from apprenticeship may be safely made. I appeal to the history of Antigua and Bermuda, where the whole process took place at once—where both steps were taken in one—and where, notwithstanding, there was more tranquillity than had ever before been enjoyed under the death-like silence of slavery. Nay, I prove even more than the safety of the step in question; for in those colonies the transition being so made at once, it follows, *à fortiori*, that the making the half transition, which alone remains to be made in the rest, is doubly free from all possible risk of any kind, either as to voluntary labour or orderly demeanour.

But this is not all—let us look at the subject from another point. The twenty millions have been paid in advance, on the supposition of a loss being incurred

No loss, but a great gain has accrued to the planter. Then he has received our money for nothing; it is money paid under a mistake, in fact, to propagate which he himself contributed. If such a transaction had happened between private parties, I know not that the payer of the money might not have claimed it back as paid under mistake; or if deception had been practised, that he was not equitably entitled to recover it. But without going so far, of this I am certain, that all men of honourable minds would in such circumstances have felt it hard to keep the party to his bargain. Again, view the matter from a different point, for I am desirous to have it narrowly examined on all sides. Suppose it is still maintained that the second step we require to be taken will be attended with risk—how much is the loss likely to be? Six years' apprenticeship and the emancipation were reckoned at twenty millions. No loss has as yet accrued, and four years have elapsed. Then what right have you to estimate the loss of the two years that remain at more than the whole sum? But unless it exceeds that sum, the planter, by giving up these two years, manifestly loses nothing at all; for he has his compensation, even supposing the total loss to happen in two years, for which the money was given, on the supposition of a six years' diminished income. But suppose I make a present of this concession likewise, and admit that there may be a loss in the next two years, as there has been a gain in the former four, have not I a right to set off that gain against any loss? And then unless twice as much shall be lost yearly in future as has been gained in past years, the planter is on the whole a gainer, even without taking the twenty millions into the account, and although there should be that double rate of loss, contrary to all probability, even without these twenty millions, he will on the whole have lost nothing. But I will not consent to leave that vast sum out of the account. It shall go in

diminution of the loss, if any has been suffered. It shall be reckoned as received by the planters, and unless they lose, during the next two years, more than twenty millions over and above the gains they have made during the last four, I insist upon it that they be deemed to have suffered no loss at all, even if, contrary to all experience and all reason, they lose by the change. What is the consequence of all this? That at the very least we have a right to make the planters bring their twenty millions to account, and give us credit for that sum—so that until their losses exceed it, they shall have no right whatever to complain.—Take, now, a new view of the subject, in order that we may have left no stone unturned, no part of the whole subject unexplored—have we not at the very least a title to call upon the planters to consign the money into a third party's hands, to pay it, as it were, into Court, until it shall be ascertained whether they sustain any loss at all, and, if any, to what amount. I defy all the quibblers in the world to show what right the planters can have, if they insist upon retaining our money, now given for nothing, to keep the negroes out of their liberty, that money having been paid to compensate a supposed loss, and experience having demonstrated that instead of loss, the present change has already been to them a gain. My proposal is this, and if the planters be of good faith, it must at once settle the question, at least it must bring their sincerity to the test. They say they are afraid of a loss by the apprenticeship ceasing—then let them either pay the money into Court, or keep an account of their losses, and if they, at the end of the two years after emancipating the apprentices, shall be found to have incurred any loss, let them be repaid out of the money. I agree that they should be farther compensated should their losses exceed the twenty millions, provided they will consent to repay all the money that exceeds the losses actually sustained. This is my proposal—and I am as

certain of its being fair as I am convinced it will be rejected with universal horror by the planters.

Once more I call upon your lordships to look at Antigua and Bermuda. There is no getting over that —no answering it—no repelling the force with which our reason is assailed by the example of thirty thousand negroes liberated in one night—liberated without a single instance of disturbance ensuing, and with the immediate substitution of voluntary work for hire in the stead of compulsory labour under the whip. There is no getting over that—no answering it—no repelling the force with which it assails the ordinary reason of ordinary men. But it is said that those islands differ from Jamaica and Barbadoes, because they contain no tracts of waste or woody ground to which negroes may flee away from their masters, conceal themselves, and subsist in a maroon state. I meet the objection at once in front, and I pledge myself to annihilate it in one minute by the clock. Why should free negroes run away and seek refuge in the woods, if slaves, or half slaves, like apprentices, never think of escaping? That the slave should run away—that the apprentice should fly—is intelligible; but if they don't, why should a bettering of their condition increase their inclination to fly? They who do not flee from bondage and the lash, why should they from freedom, wages, independence, and comfort? But this is not all. If you dread their escape and marooning now, what the better will you be in 1840? Why are they to be less disposed then than now to fly from you? Is there anything in the training of the present system to make two years more of it disarm all dislike of white severity, to destroy all inclination for the life of the maroon? The minute is not yet out, and I think I have disposed of the objection.

Surely, surely, we are here upon ground often trodden before by the advocates of human improvement, the friends of extended rights. This is the kind of

topic we have so often been fated to meet on other questions of deep and exciting interest. The argument is like that against the repeal of the penal laws respecting Catholics—if it proves anything, it proves far too much—if there be any substance in it, the conclusion is that we have gone too far already, and must retrace our steps—either complete the emancipation of the Catholics, or re-enact the penal code. The enemies of freedom, be it civil or religious—be it political or personal—are all of the same sect, and deal in the same kind of logic. If this argument, drawn from the danger of negroes eloping in 1838, should we emancipate the apprentices, is worth anything at all, it is a reason for not emancipating them in 1840, and, consequently, for repealing altogether the law of 1838. But I shall not live to hear any one man in any one circle of any one part of the globe, either in the eastern hemisphere or in the western, venture to breathe one whisper in favour of so monstrous a course. But I will not stop here. Lives there, my Lords, a man so ignorant of West Indian society, so blind to all that is passing in those regions, as to suppose that the continuance of the apprenticeship can either better the negro's condition, or win him over to more love for his master? I am prepared to grapple with this part also of the argument. I undertake to demonstrate that the state of the negro is in but a very few instances better, and in many beyond all comparison worse, than ever it was in the time of slavery itself.

I begin by freely admitting that an immense benefit has been conferred by the cart-whip being utterly abolished. Even if the lash were ever so harshly or unsparingly or indiscriminately applied in execution of sentences pronounced by the magistrate, still the difference between using it in obedience to judicial command, and using it as the stimulus to labour, is very great. The negro is no longer treated as a brute, because the motive to his exertions is no longer placed

without himself, and in the driver's hand. This is, I admit, a very considerable change for the better in his condition, and it is the only one upon which he has to congratulate himself since the Act of Emancipation was passed. In no one other respect whatever is his condition improved—in many it is very much worse. I shall run over a few of these particulars, because the view of them bears most materially upon this whole question; and I cannot better prove the absolute necessity of putting an immediate end to the state of apprenticeship, than by showing what the victims of it are fated daily to endure.

First of all, as to the important article of food, to secure a supply of which in sufficient abundance the slave-regulating acts of all the islands have always been so anxiously directed—I will compare the prison allowance of Jamaica with the apprentice allowance in Barbadoes, and other colonies, from which we have the returns, there being none in this particular from Jamaica itself. The allowance to prisoners is fourteen pints weekly of Indian corn, and different quantities of other grain, but comparing one will be sufficient for our purpose. In Barbadoes the allowance to apprentices is only ten pints, while in the Leeward Islands and Dominica it is no more than eight pints; for the Crown colonies, the slave allowance, before 1834, was twenty-one pints; in the same colonies the apprentice receives but ten; so that in the material article of food there is the very reverse of an improvement effected upon the negro's condition. Next as to time—it is certain that he should have half-a-day in the week, the Friday, to work his own provision-ground, beside Saturday, to attend the market, and the Sabbath for rest and religious instruction. The Emancipation Act specifies forty-five hours as the number which he shall work weekly for his master. But these are now so distributed as to occupy the whole of Friday, and even in some cases to trench upon Saturday too. The planter

also counts those hours invariably from the time when the negro, having arrived at the place of work, begins his labour. But as it constantly happens that some at least of the negroes on an estate have several miles to walk from their cottages, all the time thus consumed in going and returning is wholly lost to the negro. Nay, it is lost to the master as well as the apprentice, and so long as he is not compelled to reckon it in the statutory allowance, it will continue a loss to both parties. For as no reason whatever can be assigned why the negro huts should be on the frontier of the plantation, only make the time, frequently as much at present as three or four hours a-day, consumed in going and returning, count for part of the forty-five hours a-week, and I'll answer for it, all the negroes will be provided with cottages near the place of their toil.

I come now to the great point of the justice administered to the people of colour. And here let me remind your lordships how little that deserves the name of justice, which is administered wholly by one class, and that the dominant class, in a society composed of two races wholly distinct in origin and descent, whom the recollection of wrongs and sufferings has kept still more widely apart, and taught scarcely to regard each other as brethren of the same species. All judicial offices are filled by those whose feelings, passions, and interests are constantly giving them a bias towards one, and against the other, of the parties directly appearing before the judgment-seat. If to a great extent this is an unavoidable evil, surely you are bound, by every means possible, to prevent its receiving any unnecessary aggravation. Yet we do aggravate it by appointing to the place of Puisne Judge natives of the colonies, and proprietors of estates. From the same privileged class are taken all who compose the juries, both in criminal and in civil cases, to assess damages for injuries done by whites to blacks—to find bills of indictment for crimes committed upon the latter class

—to try those whom the Grand Jury presents—to try negroes charged with offences by their masters. Nay, all magistrates, gaolers, turnkeys—all concerned in working every part of the apparatus of jurisprudence, executive as well as administrative, are of one tribe alone. What is the consequence? It is proverbial that no bills are found for maltreatment, how gross soever, of the negroes. Six were preferred by a humane individual at one assize, and all flung out. Some were for manslaughter, others for murder.—Assize after assize presents the same result. A wager was on one occasion offered, that not a single bill would be found that assize, and nobody was found to take it; prudent was the refusal proved by the result: for all the bills were ignored, without any exception. Now, your lordships will observe that in no one case could any evidence have been examined by those Grand Juries, except against the prisoner. In cases of murder sworn to, as plainly as the shining of the sun at noon-day tide, by witness after witness—still they said, "No Bill." Nay, they sometimes said so when only part of the witnesses for the prosecution had been heard, and refused to examine the others that were tendered.

The punishments inflicted are of monstrous severity. The law is wickedly harsh; its execution is committed to hands that exasperate that cruelty. For the vague, undefined, undefinable offence of insolence, thirty-nine lashes; the same number for carrying a knife in the pocket; for cutting the shoot of a cane plant, fifty lashes, or three months' imprisonment in that most loathsome of all dungeons, a West Indian gaol. There seems to have prevailed at all times among the law-givers of the slave colonies a feeling, of which I grieve to say, those of the mother country have partaken, that there is something in the nature of a slave—something in the disposition of the African race—something in the habits of those hapless victims of our crimes,

our cruelties, and frauds—which requires a peculiar harshness of treatment from their rulers, and makes what in other men's cases we call justice and mercy, cruelty to society and injustice to the law in theirs—inducing us to visit with the extremity of rigour in the African what if done by our own tribes would be slightly visited or not at all, as though there were in the negro nature something so obdurate that no punishment with which they can be visited would be too severe. Prodigious, portentous injustice! As if we had a right to blame any but ourselves for whatever there may be of harsh or cunning in our slaves—as if we were entitled to visit upon them that disposition, were it obdurate, those habits, were they insubordinate, those propensities, were they dishonest (all of which I deny them to be, and every day's experience justifies my denial), but were these charges as true as they are foully slanderous, and absolutely false—is it for us to treat our victims harshly for failings or for faults with which our treatment of them has corrupted and perverted their nature, instead of taking to ourselves the blame—punishing ourselves at least with self-abasement, and atoning with deepest shame for having implanted vice in a pure soil? If some capricious despot were, in the career of ordinary tyranny, to tax his pampered fancy to produce something more monstrous, more unnatural than himself; were he to graft the thorn upon the vine, or place the dove among vultures to be reared—much as we might marvel at this freak of a perverted appetite, we should marvel still more if we saw tyranny exceed even its own measure of proverbial unreasonableness, and complain because the grape was not gathered from the thorn, or because the dove so trained had a thirst for blood. Yet this is the unnatural caprice—this the injustice—the gross, the foul, the outrageous, the monstrous, the incredible injustice of which we are daily and hourly guilty towards the whole of the ill-fated African race!

My Lords, we fill up the measure of this injustice by executing laws wickedly conceived, in a yet more atrocious spirit of cruelty. Our whole punishments smell of blood. Let the treadmill stop, from the weary limbs and exhausted frame of the sufferers no longer having the power to press it down the requisite number of turns in a minute—the lash instantly resounds through the mansion of woe! Let the stone spread out to be broken, not crumble fast enough beneath the arms already scarred, flayed, and wealed by the whip—again the scourge tears afresh the half-healed flesh! Within the last hour before I entered this House, I heard from an eye-witness of the fact as disgusting as it was appalling, that a leper among the prisoners was cut to pieces by stripes with the rest. And in passing, let me here note the universal but cruel practice of placing the patients stricken with infectious diseases in hospitals, and in prisons among others, upon almost all private estates; and the no less unjust and exclusively West Indian practice of stingily and cruelly compelling the prisoners to go out daily and find their own food, instead of the master supplying them in the gaol—a refinement of harshness and meanness not, I venture to assert, ever reached by the tyrant master of the Siberian mines. But I was speaking of the public prison; and there as the leper had been scourged, so when a miserable wretch, whose legs were one mass of ulcerated flesh from former inflictions, gave some offence to his taskmasters, he was on those limbs mangled anew by the merciless application of the lash. I have told you how the bills for murdering negroes were systematically thrown out by the Grand Juries. But you are not to imagine that bills are never found by those just men, even bills against whites. A person of this cast had, unable to bridle his indignation, roused by the hideous spectacle I have described (so disgusting, but that all other feelings are lost in pity for the

victim, and rage against his oppressor), repaired to the Governor, and informed him of what he had witnessed. Immediately the Grand Jury, instead of acknowledging his humane, and, in a slave colony, his gallant conduct, found a bill against him, and presented him as a nuisance!

My Lords, I have had my attention directed within the last two hours to the new mass of papers laid on our table from the West Indies. The bulk I am averse to break; but a sample I have culled of its hateful contents. Eleven females were punished by severe flogging—and then put on the treadmill, where they were compelled to ply until exhausted nature could endure no more. When faint, and about to fall off, they were suspended by the arms in a manner that has been described to me by a most respectable eye-witness of similar scenes, but not so suspended as that the mechanism could revolve clear of their persons; for the wheels at each turn bruised and galled their legs, till their sufferings had reached the pitch when life can no longer even glimmer in the socket of the weary frame. In the course of a few days these wretched beings languished, to use the language of our law—that law which is thus so constantly and systematically violated—and "languishing, died." Ask you if crimes like these, murderous in their legal nature as well as frightful in their aspect, passed unnoticed—if inquiry was neglected to be made respecting these deaths in a prison? No such thing! The forms of justice were on this head peremptory, even in the West Indies—and those forms, the handmaids of Justice, were present, though their sacred Mistress was far away. The coroner duly attended—his jury were regularly impannelled—eleven inquisitions were made in order—and eleven verdicts returned. Murder! manslaughter! misdemeanour! misconduct! No—but "Died by the visitation of God!"—Died by the visitation of God! A lie!—a perjury!—a blasphemy! The

visitation of God! Yes, for it is among the most awful of those visitations by which the inscrutable purposes of his will are mysteriously accomplished, that he sometimes arms the wicked with power to oppress the guiltless; and if there be any visitation more dreadful than another—any which more tries the faith and vexes the reason of erring mortals, it is when Heaven showers down upon the earth the plague—not of scorpions, or pestilence, or famine, or war—but of unjust judges and perjured jurors—wretches who pervert the law to wreak their personal vengeance or compass their sordid ends, forswearing themselves on the gospels of God, to the end that injustice may prevail, and the innocent be destroyed!

> Sed nos immensum spatiis confecimus æquor,
> Et jam tempus equûm fumantia solvere colla.

I hasten to a close. There remains little to add. It is, my Lords, with a view to prevent such enormities as I have feebly pictured before you, to correct the administration of justice, to secure the comforts of the negroes, to restrain the cruelty of the tormentors, to amend the discipline of the prisons, to arm the governors with local authority over the police; it is with these views that I have framed the first five of the resolutions now upon your table, intending they should take effect during the very short interval of a few months which must elapse before the sixth shall give complete liberty to the slave. I entirely concur in the observation of Mr. Burke, repeated and more happily expressed by Mr. Canning, that the masters of slaves are not to be trusted with making laws upon slavery; that nothing they do is ever found effectual; and that if by some miracle they ever chance to enact a wholesome regulation, it is always found to want what Mr. Burke calls "the executory principle;" it fails to execute itself. But experience has shown that when the lawgivers of the colonies find you are firmly deter-

mined to do your duty, they anticipate you by doing theirs. Thus, when you announced the bill for amending the Emancipation Act, they outstript you in Jamaica, and passed theirs before yours could reach them. Let then your resolutions only show you to be in good earnest now, and I have no doubt a corresponding disposition will be evinced on the other side of the Atlantic. These improvements are, however, only to be regarded as temporary expedients—as mere palliatives of an enormous mischief, for which the only effectual remedy is that Complete Emancipation which I have demonstrated by the unerring and incontrovertible evidence of facts, as well as the clearest deductions of reason, to be safe and practicable, and therefore proved to be our imperative duty at once to proclaim.

From the instant that glad sound is wafted across the ocean, what a blessed change begins; what an enchanting prospect unfolds itself! The African, placed on the same footing with other men, becomes in reality our fellow-citizen—to our feelings, as well as in his own nature, our equal, our brother. No difference of origin or of colour can now prevail to keep the two castes apart. The negro, master of his own labour, only induced to lend his assistance if you make it his interest to help you, yet that aid being absolutely necessary to preserve your existence, becomes an essential portion of the community, nay, the very portion upon which the whole must lean for support. This insures him all his rights; this makes it not only no longer possible to keep him in thraldom, but places him in a complete and intimate union with the whole mass of Colonial society. Where the driver and the gaoler once bore sway, the lash resounds no more; nor does the clank of the chain any more fall upon the troubled ear; the fetter has ceased to gall the vexed limb, and the very mark disappears which for a while it had left. All races and colours run together the same glorious race of improvement. Peace

unbroken, harmony uninterrupted, calm unruffled, reigns in mansion and in field—in the busy street, and the fertile valley, where nature, with the lavish hand she extends under the tropical sun, pours forth all her bounty profusely, because received in the lap of cheerful industry, not extorted by hands cramped with bonds. Delightful picture of general prosperity and social progress in all the arts of civility and refinement! But another form is near!—and I may not shut my eyes to that less auspicious vision. I do not deny that danger exists—I admit it not to be far distant from our path. I descry it, but not in the quarter to which West Indian eyes for ever turn. The planter, as usual, looks in the wrong direction. Averting his eyes from the real risk, he is ready to pay the price of his blindness, and rush upon his ruin. His interest tells him he is in jeopardy, but it is a false interest, and misleads him as to the nature of the risk he runs. They, who always dreaded Emancipation—who were alarmed at the prospect of negro indolence—who stood aghast at the vision of negro rebellion should the chains cease to rattle, or the lash to resound through the air—gathering no wisdom from the past, still persist in affrighting themselves and scaring you, with imaginary apprehensions from the transition to entire freedom out of the present intermediate state. But that intermediate state is the very source of all their real danger; and I disguise not its magnitude from myself. You have gone too far if you stop here and go no farther; you are in imminent hazard if, having loosened the fetters, you do not strike them off—if, leaving them ineffectual to restrain, you let them remain to gall, and to irritate, and to goad. Beware of that state, yet more unnatural than slavery itself—liberty bestowed by halves—the power of resistance given—the inducement to submission withheld. —You have let the slave taste of the cup of freedom; while intoxicated with the draught, beware how you dash the cup away from his lips. You have produced

the progeny of liberty—see the prodigious hazard of swathing the limbs of the gigantic infant—you know not the might that may animate it. Have a care, I beseech you have a care, how you rouse the strength that slumbers in the sable peasant's arm! The children of Africa, under the tropical sun of the West, with the prospect of a free negro Republic in sight, will not suffer themselves to be tormented when they no longer can be controlled. The fire in St. Domingo is raging to windward, its sparks are borne on the breeze, and all the Caraibean sea is studded with the materials of explosion. Every tribe, every shade of the negro race will combine, from the fiery Koromantin to the peaceful Eboe, and the ghastly shape of Colonial destruction meets the astonished eye—

> "If shape it may be called that shape has none
> Distinguishable in member, joint, or limb;
> Or substance may be called that shadow seems,
> For each seems either; black it stood as night,
> Fierce as ten furies, terrible as hell!"

I turn away from the horrid vision that my eye may rest once more on the prospect of enduring empire, and peace founded upon freedom. I regard the freedom of the negro as accomplished and sure. Why? because it is his right—because he has shown himself fit for it—because a pretext, or a shadow of a pretext, can no longer be devised for withholding that right from its possessor. I know that all men at this day take a part in the question, and they will no longer bear to be imposed upon, now they are well informed. My reliance is firm and unflinching upon the great change which I have witnessed—the education of the people, unfettered by party or by sect—witnessed from the beginning of its progress, I may say from the hour of its birth. Yes! It was not for an humble man like me to assist at royal births with the illustrious Prince who condescended to grace the pageant of this opening session, or the Great Captain and

Statesman in whose presence I am now proud to speak. But with that illustrious Prince, and with the father of the Queen, I assisted at that other birth, more conspicuous still. With them, and with the head of the house of Russell, incomparably more illustrious in my eyes, I watched over its cradle—I marked its growth—I rejoiced in its strength—I witnessed its maturity—I have been spared to see it ascend the very height of supreme power; directing the councils of State; accelerating every great improvement; uniting itself with every good work; propping all useful institutions; extirpating abuses in all our institutions; passing the bounds of our European dominion, and in the New World, as in the Old, proclaiming that freedom is the birthright of man—that distinction of colour gives no title to oppression—that the chains now loosened must be struck off, and even the marks they have left effaced—proclaiming this by the same eternal law of our nature which makes nations the masters of their own destiny, and which in Europe has caused every tyrant's throne to quake! But they need feel no alarm at the progress of light who defend a limited monarchy and support popular institutions—who place their chiefest pride not in ruling over slaves, be they white or be they black, not in protecting the oppressor, but in wearing a constitutional crown, in holding the sword of justice with the hand of mercy, in being the first citizen of a country whose air is too pure for slavery to breathe, and on whose shores, if the captive's foot but touch, his fetters of themselves fall off. To the resistless progress of this great principle I look with a confidence which nothing can shake; it makes all improvement certain; it makes all change safe which it produces; for none can be brought about unless all has been prepared in a cautious and salutary spirit. So now the fulness of time is come for at length discharging our duty to the African captive. I have demonstrated to you that everything is ordered—every

previous step taken—all safe, by experience shown to be safe, for the long-desired consummation. The time has come, the trial has been made, the hour is striking: you have no longer a pretext for hesitation, or faltering, or delay. The slave has shown, by four years' blameless behaviour, and devotion to the pursuits of peaceful industry, that he is as fit for his freedom as any English peasant, ay, or any Lord whom I now address. I demand his rights: I demand his liberty without stint. In the name of justice and of law—in the name of reason—in the name of God, who has given you no right to work injustice—I demand that your brother be no longer trampled upon as your slave! I make my appeal to the Commons, who represent the free people of England; and I require at their hands the performance of that condition for which they paid so enormous a price—that condition which all their constituents are in breathless anxiety to see fulfilled! I appeal to this House. Hereditary judges of the first tribunal in the world—to you I appeal for justice! Patrons of all the arts that humanize mankind—under your protection I place humanity herself! To the merciful Sovereign of a free people I call aloud for mercy to the hundreds of thousands for whom half a million of her Christian sisters have cried aloud—I ask that their cry may not have risen in vain. But first I turn my eye to the throne of all justice, and devoutly humbling myself before Him who is of purer eyes than to behold such vast iniquities, I implore that the curse hovering over the head of the unjust and the oppressor be averted from us—that your hearts may be turned to mercy—and that over all the earth His will may at length be done!

PART OF SPEECH

UPON THE

EASTERN SLAVE TRADE.

SPEECH ON

THE EASTERN SLAVE TRADE.

HOUSE OF LORDS—MARCH 6, 1838.

WE are here not left without proof. Experience has already pronounced upon the voyage from Hindostan to the Mauritius; these papers paint it as a worthy companion for the middle passage. I hold in my hand the despatch from the Mauritius Government of April last, in which three vessels are said to have carried over, one of them two hundred and twenty-four, the other, two hundred, and the third, seventy-two labourers, as you are pleased to term what I plainly name slaves. Each had a full cargo of rice besides—so that the despatch says, they could not have proper accommodation for the Indians, nor protection from the weather,—nor had any one of the three a medical officer. The William Wilson, out of two hundred and twenty-four, lost thirty-one on the voyage—a sacrifice to the pestilential hold in which they were compelled to breathe. The Adelaide, still worse, lost twenty-six out of seventy-two—between a third and a half in five or six weeks. The statements I have given from the slave-trader's arguments in 1788 and 1791 were absurd enough when they represented the mortality of the middle passage as one in the hundred. But never did I hear it put higher than this, of thirty or forty per cent. Only see once more how the record of your own statute book rises up in judgment against your own conduct! While you not merely allow, but

encourage and stimulate the carrying away of untutored Indians and savage Africans from the desolate shores of Malabar and Ceylon and Mosambique, giving free scope to all the practices of fraud and treachery, which the arts of wicked ingenuity can devise to entrap them, and bear them into bondage, that the sordid desires of a few grasping planters may be gratified,—read the wise and humane words on the front of the British statute—read them and blush for shame! "Whereas in various parts"—Of Hindostan? Of the Indian Archipelago? Of the Mosambique and Sofala coasts? No—but "of the United Kingdom of Great Britain and Ireland, persons have been seduced to leave their native country under false representations, and have suffered great hardships for want of provisions and proper accommodation, and no security whatever being afforded that they shall be carried to the ports for which they have agreed—be it *therefore* enacted." Has the faintest attempt been made to afford such security to the Indian and the African, as this statute anxiously provides for the free and enlightened native of our own island?—any precaution against his being trepanned, and seduced on board, under representations that he is only going to another village of his own country, where he will enjoy his own ease, work in his own way, and worship according to his own religion? —any precautions against being hurried away by force, while others are decoyed by fraud?—any precautions against being scantily provided and pestilentially lodged?—any precaution against his being carried to one destination, after bargaining for another? Nothing whatever of the kind. But indeed such precautions, though practicable where they are little wanted —on the coasts of this country, studded with custom-house establishments, and round which a cordon of revenue officers is drawn by day and by night, must prove wholly ineffectual where they are most wanted —on the desert strands of the Eastern Ocean. And

you see the results in the documents I have just read; —where the frauds and the force of the embarkation, and the dreadful mortality of the voyage, are recorded in imperishable proofs of the crimes you have dared to encourage.

Therefore it is, my Lords, that I have deemed it my indispensable duty to drag before you this iniquitous measure; therefore it is that I have yielded to the sacred obligation of going through a subject as painful to handle as it was necessary to be examined; therefore it is that I have waded, at extreme suffering to myself, through the agonizing detail of the slave traffic; and therefore it is that I have, with unspeakable anxiety—but an anxiety occasioned far more by the importance of the question than by its difficulty, or any disinclination to grapple with it—laid bare the enormities of this proceeding, and set forth its glaring inconsistency with the great Act of Abolition, from the principles of which, I had fondly hoped, no English statesman would ever be found daring enough to swerve. My Lords, I have for more than a quarter of a century been the supporter in Parliament of that great measure of justice. But at every period of my life since I reached man's estate, I have been its active, zealous, eager, though, God knows, feeble supporter, wherever I could hope to lend it assistance. For this holy cause I have been a fellow-labourer with the greatest men this country ever produced, whether in the Senate, in the Courts, or at the Bar—elevated to the ermine or still practising in the forum. With them I have humbly though fervently fought this good fight, and worked at this pious work—with them who are gone from hence, as with those who yet remain. And we had, indeed, well hoped—they who are no more, and they who still survive to venerate the names of the forerunners, and tread, if it be possible, in their footsteps—that we had succeeded in putting down for ever the monstrous traffic in human flesh. Could I then see this attempt to revive

it, and hold my peace? I could not have rested on my couch and suffered this execrable work to be done—uninterrupted to be done. I required not to be visited by those surviving friends of whom I just now spake—required not to be roused by the agitation of public meetings—required not the countless applications of those whose disinterested patriotism, whose pure benevolence, whose pious philanthropy, endearing them to my heart, have won for them the universal confidence of mankind. No! my Lords; I could not slumber without seeing before me in visions of the night the great and good men who have passed away, seeming as if they could not taste their own repose, while they forbade me the aid of rest, until I should lend my feeble help, and stretch forth this hand to chase away the monster slave trade from the light he once more outrages, back to the den where he had been chained up by their mightier arms. Justly famous of other times! If it be not given us to emulate their genius, to tread the bright path of their glory, to share in the transcendent virtue which formed their chief renown—let us at least taste that joy which they valued above all others—for that enjoyment we too can command—to bask in the inward sunshine of an approving conscience, athwart which no action of their illustrious lives ever cast a shade!

I move you to resolve that the Order in Council of the 12th July—

"1. That the Order in Council of the 12th of July, 1837, was passed for the purpose of enabling the proprietors of Guiana to import into that Colony, as apprenticed labourers, the natives of countries within the limits of the East India Company's Charter, before it was known that any law had been enacted in India for their protection, and has been suffered to remain in force after it was known that the law enacted in India on the 1st of May, 1837, and transmitted by a despatch of the 7th of June, is wholly insufficient to

afford them such protection as is required, and to prevent the evils to which such traffic is exposed, while there are no means of preventing the greatest abuses from being practised, both in Asia and in Africa, under colour of the traffic, which it is the professed object of the Order in Council to facilitate and encourage:

"2. That the said Order in Council of the 12th of July, 1837, was improperly issued, and ought to be recalled."

THE REPLY.

THE masterly speech which has just been delivered by my noble friend,* while it calls for my cordial thanks, relieves your lordships from hearing many points which he has handled, discussed far less effectively by me, in availing myself of the right of reply, which your courtesy bestows. But a few words of explanation are required by one or two things which have fallen from the noble Duke,† for whom I entertain the most unqualified respect, and whose authority, as a practical statesman, I place in the foremost rank.

First, however, I must express my unbounded astonishment at the speech of my noble friend.‡ Not only has he left wholly unnoticed my distinct and formal challenge, to show wherein this measure differs from the scheme of Letord, which all the authorities, both in the Mauritius and at home, stigmatized as a mere blind for a slave trading adventure; but he has argued the whole question as if there were no Madras on the map of Asia—no Bombay—no Ceylon, for which no rules are made—no Pondicherry belonging to France, for which we cannot make any rule—no Goa in the hands of slave trading Portugal—no African coast within the company's limits—and for which there exists not an authority on earth that can make a single rule, or watch a mile of the sea board. The

* Lord Ellenborough. † The Duke of Wellington.
‡ Lord Glenelg.

whole reliance has been placed on the law made at Calcutta by my noble kinsman, the Governor-General in Council*—a law of no kind of value, had it comprehended all Asia and Africa too—a law in which my noble relation attempted little and effected less—pretending to prevent hardly anything, and really preventing nothing at all—feeble in its provisions—impotent in its enactments—insignificant in its rubric—a blank in its body—when every one knows, and I had expressly so argued it, that no law made by the Governor in Council (if in Council the potentate who made such a thing can be said to sit) has any force or effect whatever, were it as omnipotent as it is inefficient, beyond the presidency of Fort William, and never could affect a single atom of the traffic which most of all this measure is intended to encourage, and which most requires regulation and control. But in overturning the whole speech of my noble friend, I have also disposed of the noble Duke's. For his only reason for resisting the motion, and offering the Government an escape through the previous question is their acceptance of his offer to pass certain regulations. Suppose the noble Duke's system were adopted to-morrow—and I think I am using sufficiently complimentary language when I call it a system, for assuredly I do not profess to admire it as much as I have hitherto been wont to admire all its author's productions, whether as a soldier or as a statesman—suppose my noble kinsman* had enacted every tittle of it in Council, instead of his own puny regulation of the 1st of July—still it would have been confined to Bengal.

The Duke of Wellington.—All are included.

Lord Brougham.—No—not Pondicherry, for there you cannot legislate—not Goa, for that is Portuguese—not any part of the African coast, over the whole of which this measure of July sweeps, enveloping all in

* Lord Auckland.

the slave trade. That measure, our Order in Council, is now given up—it cannot for an instant stand—for every argument urged in its defence assumes that it must be accompanied or followed by other regulations, some of which have not been, others of which never can be made. The noble Duke admits this as distinctly as my noble friend. Then I show you places without number, where no regulations whatever can be made by all the powers and authorities existing in the empire, and that is decisive against the Order in Council. I have waited, and in vain, for any answer to this main branch of the argument from the noble Secretary of State—I put it to him in every form, and he makes no sign. Therefore that Order stands convicted—namely, by confession it stands convicted—of leaving the door ajar to the African slave trader, under the fairer name of encouraging the trade in apprentices—for I call it as bad as leaving the door ajar, to affect shutting the main gate while you leave half a yard to the one side, a door wide open, through which the whole body of it may enter, and which there exists no power within your reach, nay, no power on this earth, that can shut it.

Much was said by the noble Duke of the value of Colonial possessions, the necessity of more hands to cultivate our plantations, and the tendency of these Resolutions to prevent their importation. But here it is that the noble Duke has entirely mistaken both the tenor of my opinions, and the scope of the Resolutions. I am not one of those who object to Colonial establishments. Many men for whom I have a great and just respect do go this length. My opinion differs from theirs. I lately stated how I draw the line. I make a great distinction between such Colonies as those on the main land of North America, where men settle without the plan of returning home, where the property is in the hands of personal residents, and which are extensive enough to defend themselves.

When these are able to stand alone, when it is no longer of mutual benefit that the colonial relation should continue, the separation is advantageous to both parent state and settlement. But as I lately stated in the argument I held with my noble friend,* now absent, unfortunately, from a domestic affliction, the slave colonies are differently circumstanced; and no one can doubt the mutual benefits of their continued dependence upon the mother country. They are important to our commerce, and still more to our income and wealth—we are of use towards their defence—and in a military point of view the connexion may be exceedingly material. I have not therefore a word to say against the noble Duke's high value which he sets upon such possessions. How far their cultivation, after the Emancipation Act comes into full play, will require an importation of labourers from the East, is quite another question. But then it is one on which these Resolutions pronounce no opinion whatever. I defy any man to point out one line of either Resolution which even looks in that direction. Why do I thus confidently say so? Because I purposely framed them so as to keep quite clear of a subject on which I knew men might differ widely, while they all agreed in the main object of censuring the Order in Council. But says the noble Viscount,† following the noble Duke, whose unwillingness to remove him from the office holden at his Grace's pleasure seems to have excited a just feeling of thankfulness, a great experiment is about to be made. We cannot tell, he says, what may happen in 1840—I hope and trust that will be all known two years earlier—therefore, he adds, let us be on our guard. Why not? Certainly let us be on our guard—but do you say a single word to show that this Order in Council for importing more apprentices puts us more on our guard? What will

* Lord Ashburton. † Lord Melbourne.

betide us, says the noble Duke, should the emancipated negroes refuse to work for hire? How will your estates then be cultivated? and how can you tell that they will pass from the state of slavery to that of industrious workmen? How can I tell? Why, by looking at what they are already doing—in Jamaica and Barbadoes, where they work every spare hour voluntarily for wages—in Antigua and Bermuda, where they have been as free as the peasantry of Hampshire for near three years, and have worked as hard and behaved themselves as well. On this head, then, I have not the shadow of a doubt, nor am I entitled to have—if experience can be trusted as a safe guide. But furthermore—suppose me quite wrong—suppose the whole experience of the past belied by the future, and that all the negroes refuse to work the moment the hour of their liberation strikes—here are eight hundred thousand idle and dissolute, and restless and rebellious negroes (for there can be no middle state between peace with industry, and idleness with revolt)—and the noble Duke would keep all quiet, and reclaim all from idleness, by sprinkling over this vast mass three or four thousand Coolies from Asia. The supposition is that all the West Indies are in a state of inaction first—presently after of insurrection and confusion—no work done but that of mischief—no labour, no quiet, no subordination—all is a mass of confusion, and every portion of the vast population is in a ferment—when sprinkling over the boiling mass a few peaceful and indolent natives of Hindostan will at once restore universal quiet, and all will suddenly sink down to rest!

> Hi motus animorum, atque hæc certamina tanta
> Pulveris exigui jactû compressa quiescent!

But I have said, my Lords, that these resolutions pronounce no judgment whatever upon the policy of importing new hands. All my opinions on this sub-

ject may be as erroneous as you please—the noble Duke's and the government's under his protection, as well grounded as possible—whatever may be my private opinion, you are to vote on the resolutions, and not on the speech that introduces and defends them; and he who holds as high, as the noble Duke, the necessity of introducing new labourers, may most correctly and earnestly join with him who has no opinion of the kind, in supporting resolutions which leave the question wholly untouched. Nay, the more I was of the noble Duke's opinion—the higher I valued the importation as a resource—the more should I vote for these resolutions—because they go only to condemn a most erroneous mode of trying this experiment—a mode which its authors shrink from defending, and which the noble Duke and every one else join in condemning, as not giving the experiment fair play. Can anything indeed be more unfair towards that experiment than trying it in such a clumsy, bungling manner, as to bring upon it the odium of being a new slave trade?

While, however, this is the clear and undeniable posture of the question in debate, I cannot at all abandon the jealousy and indeed the aversion with which I regard all plans whatever of wholesale shifting of population. Nor am I in the least degree won over to such plans by hearing their defence clothed in language drawn from the science of political economy. My noble friend calls it "a free circulation of labour," and professes his reluctance to abandon on this subject his tenets as an Economist. I have heard the terms and the doctrines of political economy turned to many uses in my time. They have been used to defend state lotteries—insurances in the lottery—stock jobbing—time-bargains in the funds. Why, it is said, should there be any interference with the free use of capital, or of skill and of labour in these departments of industry? On the continent it has been applied to even baser uses—and made to defend the establish-

ment of public stews, under due regulations, for the benefit of the subject. But I own I have never yet heard those principles applied where they were more out of place and season than to the subject of the slave trade. Can any man in his sober senses think of calling the wholesale embarking of Hindoos, and then transporting them to the antipodes, to work in ways wholly unknown to them and foreign to their nature and habits, and pretend that giving it facilities —encouragement—stimulants—is furthering the free circulation of labour? The argument against all this plan is, that there is mere slave trading in every part of it—that a felony lurks under each of its arrangements. Then do the political economists and my noble friend, who is so vigorous a stickler for their doctrines, hold that the circulation of labour is interrupted by preventing the slave trade? If they do—nor can they stop a hair's-breadth short of this—then I am for abiding by the law of God and the law of the land, let their laws of political economy fare how they may.

The noble Duke has proposed certain terms to the government, as the price of his support—"Promise me you will adopt my code of regulations," says he, "and you shall not be condemned by a vote of censure this time." The hook so baited was sure to take—the Ministers bit immediately—but they were not caught. "Oh yes—by all means"—"Anything you please," says the noble Viscount—"we agree at once"—to what? Not to the proposal made; but only to consider of it—"We will take it into our best consideration." I don't much think this kind of acceptance will catch the noble Duke. He saw the noble Viscount swallow the bait—but he had not caught his fish—away it ran with the line in its mouth, down the stream, and buried itself in "serious consideration." Why, I defy the noble Duke to propose any one thing on any one subject, which the government, and all the House,

and the country too, will not, as a matter of course, take into serious and respectful consideration. The noble Viscount will consider of it;—so shall I;—but very possibly he may end by thinking as little of it as I do. Considering of it proves no assent—*Le Roi s'avisera*, is the form of rejecting bills—the Sovereign has only once or twice taken any measure into consideration since the Revolution, though he has assented to some thousands; and the Minister, too, may consider and reject. The nature of the noble Viscount's answer, then, was, to use the phraseology of a witness on a memorable occasion at the Bar, More no than yes. So, as the noble Duke failed to catch the noble Viscount, the noble Viscount must not expect to catch the noble Duke—anxious as he is to be taken upon the present occasion.

I hear it said by my noble friend,* that there is a wide difference between his plan and Mr. Barham's in 1811, inasmuch as slavery then existed, and the Chinese were to be brought over as free labourers —whereas, Apprenticeship is now the law, and the Hindoos are to come into a colony of apprenticed labourers. That is precisely my argument to show how much worse this plan is than that; and yet that was not endured by any one who knew the subject ever so imperfectly. No one would have listened to Mr. Barham's proposition, but that he was to make all the labourers be brought over free at once; they were to be free from every shackle imposed upon the negroes. Here the Hindoos are to be subject to every restraint which the negroes endure—nay, this plan is to continue for years after the negroes are set free.

But a new argument is raised by the noble Viscount,† "Take care," says he, "how you set men's interests against their duty, and raise their strongest prejudices against negro freedom. The slavery of the ancient

* Lord Glenelg. † Lord Melbourne.

world was only extinguished by it becoming men's interest to prefer free labour to slave labour; therefore, if you make free labour so scarce in the West Indies as to make it dear, slavery never can cease." I am not sensible of ever in my life having heard a piece of reasoning more absurd in all its parts—one n which the incorrectness of the facts assumed, more strove for the mastery with the thoughtlessness of the inferences drawn from them. What! Slavery in Europe extinguished by the high price of slave labour, or any other calculation of profit and loss! Why, I had always believed that it was the mild spirit of the Gospel of Christ which worked by slow degrees this happy change. I state the sentiments I have always heard accounted just, and not out of deference to the Right Reverend Prelates in whose presence I speak, and who, to their immortal honour, have never once refused their support to any one proposition adverse to the Slave trade. But never before did I hear it doubted that first the spirit of Christianity, hostile to all cruelty and oppression, and afterwards the efforts of zealous priests, even refusing the rites of the Church to men unless they would free their bondsmen, gradually wrought the happy change which the noble Lord ascribes to a calculation of interest. But grant him his facts; how do they prove the emancipation to be in any danger from a rise in the wages of labour? He talks as if the Act had never passed, and we were trusting to men's interests for setting their slaves free. Happily, longer than August 1840 they cannot be retained in any form of servitude. Does he dread that high wages will bring back the chain and the cart-whip? I have no share in his chimerical apprehensions. I defy all the combinations which cruelty can effect with avarice to restore that hideous state of society of which the knell sounded over the Atlantic in 1833. No, no! I will trust the negro people for that. They will keep what they have got. Trust

me they will set at defiance all the noble Lord's calculations, and all the wishes of their former masters, and never more consent to work one spell of work, but for their own behoof—be the terms of their employment ever so distasteful to their white neighbours—be their desire for a restoration of the yoke, and the chain, and the cart-whip ever so intense. The renewal of the Slave Trade is a very different thing. On that my fears are indeed grave and perplexing—for I know the Indian crimp and the African trader—the inexhaustible perfidies of the dealers in men, and the scope which those frauds have among hordes of uncivilized men, many of them in their own country slaves—the comfort and aid which those wretches may reckon upon receiving from accomplices ready made, such as the bribed governor on the Spanish Main, and the friendly authorities of Cuba.

But I am told to be of good courage, and not to despond—there is no fear of abuse—no prospect of the horrible traffic so much condemned ever taking root in our islands. I am bid to look at the influence of public opinion—the watchfulness of the Press—the unceasing efforts of all the societies—the jealous vigilance of Parliament. Am I then to stand by and suffer the traffic to be revived, in the hope that we shall again be able to work its extirpation? Trust, say the friends of this abominable measure, trust to the force which gained the former triumph. Expect some Clarkson to arise, mighty in the powers of persevering philanthropy, with the piety of a saint and the courage of a martyr—hope for some second Wilberforce who shall cast away all ambition but that of doing good, scorn all power but that of relieving his fellow-creatures, and reserving for mankind what others give up to party, know no vocation but that blessed work of furthering justice and freeing the slave—reckon upon once more seeing a Government like that of 1806—alas, how different from any we now witness!

—formed of men who deemed no work of humanity below their care or alien to their nature, and resolved to fulfil their high destiny, beard the Court, confront the Peers, contemn the Planters—and in despite of Planter, and Peer, and Prince, crush the foreign traffic with one hand, while they gave up the staff of power with the other, rather than be patrons of intolerance at home! These are the views with which it is sought to console us and gain us over to the ill-starred measure before you.

I make for answer—If it please you—No—by no means—nothing of all this. The monster is down, and I prefer keeping him down to relying upon all our resources for gaining a second triumph. I will not suffer the Upas tree to be transplanted, on the chance of its not thriving in an ungenial soil, and in the hope that, after it shall be found to blight with death all beneath its shade, my arm may be found strong enough to wield the axe which shall lay it low. I thank you for the patience with which you have listened to me, and on which I have unwillingly trespassed so long. My bounden duty could not otherwise have been performed; and I had no choice but to act now as I have acted ever through the whole of my life—maintaining to the end the implacable enmity with which I have at all times pursued this Infernal Trade.

PERORATION OF SPEECH

ON THE

PRESENT STATE OF THE LAW.

SPEECH ON

THE PRESENT STATE OF THE LAW.

HOUSE OF COMMONS—FEBRUARY 7, 1828.

OUR predecessors, members of this House in the seventeenth century, an age fruitful of great improvements, most of which were retained in more quiet times, undertook the amendment of the law systematically, and with a spirit and a wisdom every way worthy of so great a work. In 1654, a Commission was formed partly of the House, partly of learned strangers. At the head of the former, I find my honourable friend the Solicitor-General's less learned and more martial predecessor, called in the Journals "Lord General Cromwell."* But in front of the latter stands "Mr. Matthew Hale," afterwards the great chief Justice, whose name is ever cited amongst the most venerable supporters of our civil and our religious establishment. With them were joined all the great jurisconsults and statesmen of that illustrious age. They sat for five years and proposed a number of the most important and general reforms. I will read the titles of a few Acts, the draughts of which the Commissioners prepared.

1. For taking away fines upon bills, declarations, and original writs.

* O. Cromwell was member for Cambridge town; Mr. Tindal for the University.

* 2. For taking away common recoveries, and the unnecessary charges of fines, and to pass and charge lands entailed as lands in fee-simple.

3. For ascertaining of arbitrary fines upon descent and alienation of copyholds of inheritance.

4. For the more speedy recovery of rents.

5. For the better regulating of Pleaders and their Fees.

* 6. For the more speedy and easy recovery of Debts and Damages not exceeding the sum of Four Pounds.

7. For the further declaration and prevention of Fraudulent Contracts and Conveyances.

* 8. Against the Sale of Offices.

9. For the recovery of Debts owing by Corporations.

* 10. To make Debts assignable.

11. To prevent solicitation of Judges, Bribery, Extortion, Charge of Motions, and for restriction of Pleaders.

12. An Act for all County Registers, Will, and Administrators; and for preventing Inconvenience, Delay, Charge, and Irregularity, in Chancery and Common Law (as well in common pleas as criminal causes).

* 13. Acts for settling County Judicatures, Guardians of Orphans, Courts of Appeal, County Treasurers, and Workhouses, with Tables of Fees, and short Forms of Declaration.

* 14. An Act to allow Witnesses to be Sworn for Prisoners.

The House is aware that, till much later in our history, by the great wisdom, justice, and humanity of our ancestors, it was provided that the witnesses for a defendant should not deliver their testimony upon oath; until the time of Queen Anne, the prosecutor only was allowed to prove his case by sworn evidence;

* Since passed, but chiefly after the date of this speech.

and the communication of the same right to the defendant, may be looked upon by some as a rude invasion of the ancient system, and a cruel departure from the perfections of the olden time.

This is not the only measure prepared by that celebrated Commission which has been since adopted, as the House will see by the enumeration I have given. But steps were taken immediately after the restoration, for prosecuting its plans more systematically. A committee was appointed by this House to examine the state of the law and its practice; Serjeant Maynard and other eminent lawyers were members of it. From their numbers, fifty-one, I presume they subdivided themselves for the convenience of inquiring separately into different branches of the subject. Upon their report several bills were brought in for the general Reform of the Law; but in tracing their progress through the House, the prorogation appears to have come before any of them was passed. After a long interval of various fortune, and filled with vast events, but marked from age to age by a steady course of improvement, we are again called to the grand labour of surveying and amending our laws. For this task it well becomes us to begird ourselves, as the honest representatives of the people. Despatch and vigour are imperiously demanded; but that deliberation, too, must not be lost sight of which so mighty an enterprise requires. When we shall have done the work, we may fairly challenge the utmost approval of our constituents, for in none other have they so deep a stake.

In pursuing the course which I now invite you to enter upon, I avow that I look for the co-operation of the King's Government; and on what are my hopes founded? Men gather not grapes from thorns, nor figs from thistles. But that the vine should no longer yield its wonted fruit—that the fig-tree should refuse its natural increase—required a miracle to strike it

with barrenness. There are those in the present Ministry, whose known liberal opinions have lately been proclaimed anew to the world, and pledges have been avouched for their influence upon the policy of the State. With them, others may not, upon all subjects agree; upon this, I would fain hope there will be found little difference. But be that as it may, whether I have the support of the Ministers or no—to the House I look with confident expectation, that it will control them, and assist me; if I go too far, checking my progress; if too fast, abating my speed; but heartily and honestly helping me in the best and greatest work which the hands of the lawgiver can undertake. The course is clear before us; the race is glorious to run. You have the power of sending your name down through all times, illustrated by deeds of higher fame, and more useful import, than ever were done within these walls. You saw the greatest warrior of the age—conqueror of Italy—humbler of Germany—terror of the North—saw him account all his matchless victories poor, compared with the triumph you are now in a condition to win—saw him contemn the fickleness of Fortune, while, in despite of her, he could pronounce his memorable boast, "I shall go down to posterity with the Code in my hand!" You have vanquished him in the field; strive now to rival him in the sacred arts of peace! Outstrip him as a lawgiver, whom in arms you overcame! The lustre of the Regency will be eclipsed by the more solid and enduring splendour of the reign. The praise and the titles which false courtiers feigned for our Edwards and Harrys, the Justinians of their day, will be the just tribute of the wise and the good to that monarch under whose sway so mighty an undertaking shall be accomplished. Of a truth, the holders of sceptres are most chiefly to be envied for that they bestow the power of thus conquering, and ruling thus. It was the boast of Augustus—it formed part of the glare in which the perfidies of

his earlier years were lost—that he found Rome of brick, and left it of marble; a praise not unworthy a great prince, and to which the present reign also has its claims. But how much nobler will be the Sovereign's boast, when he shall have it to say, that he found law dear, and left it cheap; found it a sealed book—left it a living letter; found it the patrimony of the rich—left it the inheritance of the poor; found it the two-edged sword of craft and oppression—left it the staff of honesty and the shield of innocence! To me, much reflecting on these things, it has always seemed a worthier honour to be the instrument of making you bestir yourselves in this high matter, than to enjoy all that office can bestow—office, of which the patronage would be an irksome incumbrance, the emoluments superfluous to one content with the rest of his industrious fellow-citizens, that his own hands minister to his wants: And as for the power supposed to follow it—I have lived near half a century, and I have learned that power and place may be severed. But one power I do prize; that of being the advocate of my countrymen here, and their fellow-labourer elsewhere, in those things which concern the best interests of mankind. That power I know full well, no government can give—no change take away!

I move you, Sir, "That an humble address be presented to his Majesty, praying that he will be graciously pleased to issue a Commission for inquiring into the defects, occasioned by time and otherwise, in the laws of this realm, and into the measures necessary for removing the same."

[Upon the adjourned debate on Mr. Brougham's motion, on Friday, February 29, the following Resolution, substituted by him with the assent of the Government, was unanimously carried:—

"That an humble Address be presented to his Majesty, respectfully requesting that his Majesty may

be pleased to take such measures as may seem most expedient for the purpose of causing due inquiry to be made into the origin, progress, and termination of actions in the superior Courts of Common Law in this country, and matters connected therewith, and into the state of the Law regarding the Transfer of Real Property."]

CONCLUDING PORTION

OF

SPEECH

UPON

LOCAL COURTS.

SPEECH ON

LOCAL COURTS.

HOUSE OF COMMONS—APRIL 29, 1830.

SIR,—There is a subject for which I have hardly left myself strength, and I am sure I have left the House no patience to go into it, but to which I shall very generally and cursorily refer—I mean the subject of Conciliation. In many foreign countries, Courts of Conciliation are established, with a view to the prevention of law-suits, by having the parties called before them—by talking to them familiarly, kindly, and privately—by telling one that it is very foolish to go into court where the facts are so clear against him, and that he will lose his cause—by telling another that he ought not any longer to resist payment, as it is quite clear that he is wrong; in short, by giving the parties sound advice, to which they may attach the weight that does and will always belong to the disinterested counsel of a prudent and worthy man, and of one experienced in such disputes. I understand that in Sweden the measure has been attended with some success. But in Denmark it has succeeded best of all; and if I am not misinformed, in that country the going before a Judge of Conciliation is entirely optional. I know that in Switzerland, at least in two parts of it—I mean Geneva and the Pays du Vaud—the experiment was tried, and was attended with success. The Code Napoleon failed, as there was in it compulsory reconcilement—that is, no person could go into a higher

court before he called his adversary to the Court of Conciliation, and obtained a *procès verbal;* if the adversary did not appear, he paid a fine of ten francs, and the other got a certificate, and was allowed to go before a higher court. In Denmark, where the thing is more optional, and where the Court does not call the parties before them, I find that on an average of three years, 1825, 1826, and 1827, one-fourth of the actions brought into those courts were terminated by the withdrawal of proceedings, or by the parties being reconciled. The returns do not specify the exact numbers of each of those stopped by conciliation, or by the parties withdrawing proceedings, being hopeless of success. In one instance, however, I have that return, and I find that the numbers are very nearly equal, that is to say, that between one-seventh and one-eighth of the cases not tried were settled by the process of conciliation.

Now, I propose adding to the power of the judge the right of calling the parties, if they please, before him; that is, if one is desirous of it, and the other has no objection. I propose that they should go before him; that it should be compulsory to receive his opinion; that he should act as judge of conciliation, and endeavour to reconcile their differences. I will explain in one moment why I regard this measure as desirable, and by no means impracticable; and I can assure the House, that the suggestions which I have offered are founded strictly on practical experience. When a Court is resorted to, in many cases, no person is more likely to be led into error as to the probable termination of the cause than the party interested. In almost all instances he is more or less misled by the advice he receives. I do not say that gentlemen of the Bar give opinions that the action is maintainable, when they know that it is not. God forbid! I believe that there is no set of men less apt to do so; I believe they are more apt to dissuade—to throw cold water upon law, —to give doubtful opinions, and offer discouraging

advice. I say this is the common course of the profession. I say that in ninety-nine cases out of a hundred it is so. I need hardly say it happens to all respectable men: I need hardly say when it happens not, a man is scarcely respectable. But great as my feeling is for the profession—strongly prepossessed as I am with the belief of its high honour, of its great integrity, —of all those qualities which entitle it to respect—and much as I hope that the exceptions are rare—yet I will not say that there are no exceptions, even in that profession to which I have the honour to belong. I will not take upon myself to say, that it is an impossibility to find a man at the Bar who will give an opinion to encourage, when he ought to discourage, —still less will I take upon myself to deny that there are always to be found men, in the other branches of the profession, who will go to that man to get his opinion, and who, if they cannot get such an opinion, will substitute their own for it, and tell their client that he is sure to gain that which they ought to know there is every probability he will lose. But this I do know, that we have men every day come before counsel, previous to going into court; that a consultation is holden, and those present lift up their hands and throw up their eyes, and say, Who could have advised such an action? and that upon other occasions, on the part of the defendant, it is said—How could you go on so long with it? The reason is neither more nor less than this—that no sooner have they read the case, than, without any further consultation together, each man comes into the consulting-room, with his mind made up, that they have not the shadow of a case, and thus the poor client is allowed to go into a court only to be ruined. This happens every day, and it happens often enough to make one wish that it never happened at all. There are cases where the advice of the counsel is kept back from the client; other cases, where the favourable opinion is obtained on false statement of facts; and in all these

cases the man most ignorant of the chance of success, or failure, is the unfortunate client thus dragged into a court of justice. I ought not to say he is always dragged—he is sometimes coaxed; they who ought to put him on his guard, mislead and urge him on; and he finds, too late, that he has been deceived to his ruin. The men who do so ignorantly,—and they are not a few,—are not of course so culpable as they who do so knowingly and willingly. Even my respect for that branch of the profession to which I allude—I mean solicitors and attorneys—will not allow me to deny that I have frequently seen instances, in both classes, of such cases, produced more frequently by the ignorance of the attorney, than by a knowledge that his client must lose. In these cases, if you could separate the client from the attorney and the counsel, and get him aside, and tell him that if he goes on with his suit, he must be disappointed and defeated; I am sanguine enough to expect that the ruin which now often happens would be saved to the unfortunate and ill-advised clients.

This system which I have submitted in the House, I trust respectfully, founded as it is upon experience, would produce the best results. I have hopes, and I think they are not visionary hopes, that great benefit would accrue to parties from having conversation with an individual of knowledge and of undoubted respectability. Whether, not merely that part of the subject which relates to conciliation and arbitration, by publicly appointed arbitrators, but the whole subject of affording the means of obtaining cheap justice, will be approved of by the Legislature, I know not; but this I know, that those who reject it are imperatively called upon by the state of the case to point out another remedy. I care not for the name. If you reform the county courts, it will only hamper you with certain forms, with obsolete rules, and with many inconveniences, which had much better be got rid of; for nothing is so

useless as preserving the shadow when the substance is gone—it only disappoints, and harasses, and vexes. But call it by what name you will, the substance of this measure is imperatively required. The exigencies of suitors will no longer allow us to withhold it from them. Of this I am as much persuaded as I am of my existence, or that I am standing here addressing this House. The people have a right to justice—they are crying out for it—they distrust the Government for want of it—they distrust all plans of reform, whether legal or political reform, because of it; and so long as they feel this want will they continue to cry out and to distrust.

I have heard it said, that when one lifts up his voice against things that are, and wishes for a change, he is raising clamour against existing institutions, a clamour against our venerable establishments, a clamour against the law of the land; but this is no clamour against the one or the other—it is a clamour against the abuse of them all. It is a clamour raised against the grievances that are felt. Mr. Burke, who was no friend to popular excitement, who was no ready tool of agitation, no hot-headed enemy of existing establishments, no under-valuer of the wisdom of our ancestors, no scoffer against institutions as they are, has said, and it deserves to be fixed in letters of gold over the hall of every assembly which calls itself a legislative body, "Where there is abuse there ought to be clamour, because it is better to have our slumbers broken by the fire-bell, than to perish amidst the flames in our bed." I have been told by some who have little objection to the clamour, that I am a timid and a mock reformer, and by others, if I go on firmly and steadily, and do not allow myself to be drawn aside by either one outcry or another, and care for neither, that it is a rash and dangerous innovation which I propound, and that I am taking for the subject of my reckless experiments things which are the objects of all men's veneration. I disregard the one as much as I disregard the other of

these charges. I know the path of the reformer is not easy: honourable it may be—it may lead to honour; but it is obstructed by the secret workings of coadjutors; and, above all, it is beset by the base slanders of those who, I venture to say—some of them at least—know better than others the falsehood of the charges which they bring against me. But I have not proceeded in this course rapidly, hastily, or rashly; for I have actually lived to see myself charged with being in name a reformer, but in truth in league with the enemies of reform; in secret and corrupt league with those who batten on the abuses which I denounce.

It has been asserted that I have so acted in order to obtain high professional advancement,—I, who have refused the highest judicial functions,—I, who, at the very time those slanders were propagated, was in the act of preventing such a proposition from being made to me—upon political principle—upon public principle—upon party principle—as well as upon personal feelings. Did I regard the slander? Was I stung with such false opprobrium? Did I change my colour, or falter in my course, or did I quicken that course? Not I, indeed—

> False honour charms and lying slander scares
> Whom, but the false and faulty?*

It has been the lot of all men, in all ages, who have aspired at the honour of guiding, instructing, or mending mankind, to have their paths beset by every persecution from adversaries—by every misconstruction from friends: No quarter from the one—no charitable construction from the other. To be misconstrued, misrepresented, borne down, till it was in vain to bear down any longer, has been their fate. But truth will survive, and calumny has its day. I say, that if this

* Falsus honor juvat et mendax infamia terret
Quem, nisi mendosum et mendacem?

be the fate of the reformer—if he be the object of misrepresentation,—may not an inference be drawn favourable to myself? Taunted by the enemies of reform as being too rash; by the over-zealous friends of reform, as being too slow or too cold; there is every reason for presuming that I have chosen the right course. A reformer must proceed steadily in his career; not misled on the one hand by panegyric, nor discouraged by slander on the other. He wants no praise. I would rather say—"Wo to him when all men speak well of him." I shall go on in the course which I have laid down for myself; pursuing the footsteps of those who have gone before us—who have left us their instructions and success—their instructions to guide our walk, and their success to cheer our spirits.

I move, Sir, for leave to bring in a Bill for the Establishment of Local Judicatures in certain cases in England.

SPEECH

ON

PARLIAMENTARY REFORM.

SPEECH ON

PARLIAMENTARY REFORM.

HOUSE OF LORDS—OCTOBER 7, 1831.

MY LORDS,—I feel that I owe some apology to your lordships for standing in the way of any noble lords* who wish to address you: but after much deliberation, and after consulting with several of my noble friends on both sides of the House, it did appear to us, as I am sure it will to your lordships, desirable, on many grounds, that the debate should be brought to a close this night; and I thought I could not better contribute to that end than by taking the present opportunity of addressing you. Indeed, I had scarcely any choice. I am urged on by the anxiety I feel on this mighty subject, which is so great, that I should hardly have been able to delay the expression of my opinion much longer; if I had, I feel assured that I must have lost the power to address you. This solicitude is not, I can assure your lordships, diminished by my recollection of the great talents and brilliant exertions of those by whom I have been preceded in the discussion, and the consciousness of the difficulties with which I have to contend in following such men. It is a deep sense of these difficulties that induces me to call for your patient indulgence. For although not unused to meet public bodies, nay, constantly in the habit, during

* The Marquess of Cleveland and several others had risen and given way.

many years, of presenting myself before great assemblies of various kinds, yet I do solemnly assure you, that I never, until this moment, felt what deep responsibility may rest on a member of the Legislature in addressing either of its Houses. And if I, now standing with your lordships on the brink of the most momentous decision that ever human assembly came to, at any period of the world, and seeking to arrest you, whilst it is yet time, in that position, could, by any divination of the future, have foreseen in my earliest years, that I should live to appear here, and to act as your adviser, on a question of such awful importance, not only to yourselves, but to your remotest posterity, I should have devoted every day and every hour of that life to preparing myself for the task which I now almost sink under,—gathering from the monuments of ancient experience the lessons of wisdom which might guide our course at the present hour,—looking abroad on our own times, and these not uneventful, to check, by practice, the application of those lessons,—chastening myself, and sinking within me every infirmity of temper, every waywardness of disposition, which might by possibility impede the discharge of this most solemn duty;—but, above all, eradicating from my mind everything that, by any accident, could interrupt the most perfect candour and impartiality of judgment. I advance thus anxious and thus humbled to the task before me; but cheered, on the other hand, with the intimate and absolute persuasion that I have no personal interest to serve,—no sinister views to resist,—that there is nothing, in my nature, or in my situation, which can cast even the shadow of a shade across the broad path, I will not say of legislative, but of judicial duty, in which I am now to accompany your lordships.

I have listened, my Lords, with the most profound attention to the debate on this question, which has lasted during the five past days; and having heard

a vast variety of objections brought against this measure, and having also attended to the arguments which have been urged to repel those objections, I, careless whether I give offence in any quarter or no, must, in common fairness, say, on the one hand, that I am so far moved by some of the things which I have heard urged, as to be inclined towards the reconsideration of several matters on which I had conceived my mind to be fully made up; and, on the other, that in the great majority of the objections which have been ingeniously raised against this Bill, I can by no means concur; but viewing them as calmly and dispassionately as ever man listened to the arguments advanced for and against any measure, I am bound by a sense of duty to say, that those objections have left my mind entirely unchanged as to the bulk of the principles upon which the Bill is framed. If I presumed to go through those objections, or even through the majority of them, in detail, I should be entering upon a tedious, and also a superfluous, work: so many of them have been removed by the admirable speeches which you have already heard, that I should only be wasting your time were I once more to refute them; I should only be doing worse what my precursors have already done far better. I will begin, however, with what fell from a noble Earl,* with whose display I was far less struck than others, because I was more accustomed to it—who, viewing this Bill from a remote eminence, and not coming close, or even approaching near, made a *reconnoisance* of it too far off to see even its outworks—who, indulging in a vein of playful and elegant pleasantry, to which no man listens in private with more delight than myself, knowing how well it becomes the leisure hours and familiar moments of my noble friend, delivered with the utmost purity of diction, and the most felicitous aptness of allusion—I was going to say a discourse—

* Earl Dudley.

but it was an exercise, or essay—of the highest merit, which had only this fault—that it was an essay, or exercitation, on some other thesis, and not on this Bill. It was as if some one had said to my noble friend, whose accomplishments I know—whose varied talents I admire, but in whom I certainly desiderate soundness of judgment and closeness of argument, a theme *de rebuspublicis*, or *de motû civium*, or *de novarum rerum cupiditate*,—on change, on democracies, on republicanism, on anarchy; and on these interesting but somewhat trite and even threadbare subjects, my noble friend made one of the most lucid, most terse, most classical, and, as far as such efforts will admit of eloquence, most eloquent exercitations, that ever proceeded from mortal pen. My noble friend proceeded altogether on a false assumption; it was on a fiction of his own brain—on a device of his own imagination, that he spoke throughout. He first assumed that the Bill meant change and revolution, and on change and revolution he prelected voluminously and successfully. So much for the critical merits of his performance; but, practically viewed—regarded as an argument on the question before us—it is to be wholly left out of view; it was quite beside the matter. If this Bill be change, and be revolution, there is no resisting the conclusions of my noble friend. But on that point I am at issue with him; and he begins by taking the thing in dispute for granted. I deny that this Bill is change in the bad sense of the word; nor does it lead to, nor has it any connexion with, revolution, except so far as it has a direct tendency to prevent revolution.

My noble friend, in the course of his essay, talked to you of this Administration as one prone to change; he told you that its whole system was a system of changes; and he selected as the first change on which he would ring a loud peal, that which he said we had made in our system of finance. If he is so averse to

our making alterations in our scheme of finance the very first year we have been in office, what does he think, I ask, of Mr. Pitt's budgets, of which never one passed without undergoing changes in almost every one tax, beside those altogether abandoned? If our budget had been carried as it was originally brought in, with a remission of the timber duty, and the candle duty, and the coal duty, it would have been distinguished beyond all others only as having given substantial relief to the people on those very trivial and unnecessary articles, I suppose, of human life—fire, and light, and lodging. Then, our law reform is another change which my noble friend charged the Government with being madly bent on effecting. Scarcely had the Lord President of the Council risen to answer the objection raised against us on this score, than up started my noble friend to assert that he had not pressed any such objection into his service. My Lords, I am not in the habit of taking a note of what falls from any noble Lord in debate—it is not my practice—but by some fatality it did so happen that, whilst my noble friend was speaking, I took a note of his observations, of which I will take the liberty of reading you the very first line. "Change and revolution; all is change; among the first—law." I took that note, because I was somewhat surprised at the observation, knowing, as I did, that this Law Reform had met with the approbation of my noble friend himself; and, what was yet more satisfactory to my mind, it had received the sanction of your lordships, and had been passed through all its stages without even a division. My noble friend then told us, still reconnoitering our position at a distance, or, at most, partaking in an occasional skirmish, but holding himself aloof from the main battle,—he told us that this Bill came recommended neither by the weight of ancient authority, nor by the spirit of modern refinement; that this attack on our present system was not supported by the expe-

rience of the past, nor sanctioned by any appearance of the great mind, the master genius of our precursors in later times. As to the weight of ancient authority, skilled as my noble friend is in every branch of literary history, I am obliged to tell him he is inaccurate; and, because it may afford him some consolation in this his day of discomfiture and anguish, I will supply the defect which exists in his historical recollections; for an author, the first of satirists in any age—Dean Swift, with whom my noble friend must have some sympathy, since he closely imitates him in this respect, that as the Dean satirized, under the name of a man, a being who had no existence save in his own imagination, so my noble friend attacks, under the name of the Bill, a fancy of his own, a creature of his fertile brain, and which has no earthly connexion with the real ink and parchment Bill before you—Dean Swift, who was never yet represented as a man prone to change, who was not a Radical, who was not a Jacobin (for, indeed, those terms were in his day unknown); Dean Swift, who was not even a Whig, but, in the language of the times, a regular, staunch, thick-and-thin Tory,—while enumerating the absurdities in our system, which required an adequate and efficient remedy, says:—"It is absurd that the boroughs, which are decayed, and destitute both of trade and population, are not extinguished;" (or, as we should say, in the language of the Bill, which was as unknown to Dean Swift as it is now to my noble friend, put into schedule A), "because," adds the Dean, "they return members who represent nobody at all;" so here he adopts the first branch of the measure; and next he approves of the other great limb; for the second grand absurdity which he remarks is, "that several large towns are not represented, though they are filled with those who increase mightily the trade of the realm." Then as to shortening the duration of Parliaments, on which we have not introduced a single provision into the Bill—if we had,

what a cry should we have heard about the statesmen in Queen Anne's day, the great men who lived in the days of Blenheim, and during the period sung of by my noble friend, from Blenheim to Waterloo; how we should have been taunted with the Somerses and Godolphins, and their contemporaries, the Swifts and the Addisons! What would *they* have said of such a change? Yet what did the same Dean Swift, the contemporary of Somers and Godolphin, the friend of Addison, who sang the glories of Blenheim, the origin of my noble friend's period,—what did the Dean, inspired by all the wisdom of ancient times, say to shortening the duration of Parliaments? "I have a strong love for the good old fashion of Gothic Parliaments, which were only of one year's duration." Such is the ground, such the vouchers, upon the authority of which my noble friend, in good set phrase, sets the weight of ancient wisdom against the errors of the Reformers, and triumphs in the round denial that we have anything in our favour like the sanction of authority; and it turns out, after all, that the wise men of the olden time promulgated their opinions on the subject in such clear, and decisive, and vigorous terms, that if they were living in our days, and giving utterance to the same sentiments, they would be set down rather for determined Radicals than for enemies of Reform.

Then my noble friend, advancing from former times to our own, asked who and what they are that form the Cabinet of the day? To such questions it would be unbecoming in me to hazard a reply. I do not find fault with my noble friend for asking them; I admit that it is fair to ask who are they that propound any measure, especially when it comes in the shape of a great change. The noble Earl then complained of our poverty of genius—absence of commanding talents—want of master minds—and even our destitution of eloquence, a topic probably suggested by my noble

friend's* display, who opened the debate, and whose efforts in that kind are certainly very different from those which the noble Earl seems to admire. But if it be a wise rule to ask by whom a measure is propounded before you give it implicit confidence, it certainly cannot be an unwise rule to ask, on the other hand, who and what be they by whom that measure is resisted, before you finally reject it on their bare authority. Nor can I agree with a noble friend of mine,† who spoke last night, and who laid down one doctrine on this subject, at which I marvelled greatly. It was one of his many allegories—for they were not metaphors, nor yet similes—some of them, indeed, were endless, especially when my noble friend took to the water, and embarked us on board of his ship,—for want of steam, I thought we should never have got to the end of our voyage. When we reply to their arguments against our measure, by asking what Reform they have got of their own to offer, he compares us to some host, who, having placed before his friends an uneatable dinner, which they naturally found fault with, should say, "Gentlemen, you are very hard to please: I have set a number of dishes before you, which you cannot eat—now, what dishes can you dress yourselves?" My noble friend says, that such an answer would be very unreasonable—for he asks, ingeniously enough, how *can* the guests dress a dinner, especially when they have not possession of the kitchen? But did it never strike him that the present is not the case of guests called upon to eat a dinner,—it is one of rival cooks who want to get into our kitchen. We are here all on every side cooks,—a synod of cooks (to use Dr. Johnson's phrase), and nothing but cooks; for it is the very condition of our being—the bond of our employment, under a common master—that none of us shall ever taste the dishes we are dressing. The

* Lord Grey. † Lord Caernarvon.

Commons House may taste it; but can the Lords? —we have nothing to do but prepare the viands. It is therefore of primary importance, when the authority of the two classes of rival artists is the main question, to inquire what are our feats severally in our common calling. I ought perhaps to ask your lordships' pardon for pursuing my noble friend's allegory; but I saw that it produced an impression by the cheers it excited, and I was desirous to show that it is in a most extraordinary degree inapplicable to the question, to illustrate which it was fetched from afar off. I therefore must think myself entitled to ask who and what be they that oppose us, and what dish they are likely to cook for us, when once again they get possession of the kitchen? I appeal to any candid man who now hears me, and I ask him whether, it being fair to consider who are the authors of the Bill, it is not equally fair to consider from whom the objections come? I therefore trust that any impartial man, unconnected with either class of statesmen, when called upon to consider our claims to confidence, before he adopts our measures, should, before he repudiates us in favour of our adversaries, inquire—Are they likely to cure the evils, and remedy the defects, of which they admit the existence in our system?—and are their motives such as ought to win the confidence of judicious and calmly-reflecting men?

One noble Lord* there is whose judgment we are called upon implicitly to trust, and who expressed himself with much indignation, and yet with entire honesty of purpose, against this measure. No man is, in my opinion, more single-hearted; no man more incorruptible. But in his present enmity to this Bill, which he describes as pregnant with much mischief to the constitution, he gives me reason to doubt the soundness of the resolution which would take him as a

* Lord Winchelsea.

guide, from the fact of his having been not more than five or six months ago most friendly to its provisions, and expressed the most unbounded confidence in the Government which proposed it. Ought not this to make us pause before we place our consciences in his keeping,—before we surrender up our judgment to his prudence,—before we believe in his cry that the Bill is revolution, and the destruction of the empire,—when we find the same man delivered diametrically opposite opinions only six months ago?

The Earl of Winchelsea here shouted out "No."

The Lord Chancellor—Then I have been practised upon, if it is not so: and the noble Earl's assertion should be of itself sufficient to convince me that I have been practised on. But I can assure the noble Earl, that this has been handed to me as an extract from a speech which he made to a meeting of the county of Kent, held at Maidstone, on the 24th of last March:—"They have not got Reform yet; but when the measure does come, as I am persuaded it will come, into the law of the land" (a loud cry of "No," from the Opposition Lords).—Then if noble Lords will not let me proceed quietly, I must begin again, and this time I will go farther back. The speech represents the noble Earl to have said, "His Majesty's Government is entitled to the thanks of the country. Earl Grey, with his distinguished talents, unites a political honesty not to be surpassed, and leaves behind him, at an immeasurable distance, those who have abandoned their principles and deceived their friends. The noble Lord is entitled to the eternal gratitude of his country, for the manner in which he has brought forward this question. I maintain, that he deserves the support of the country at large." And, my Lords, the way on which I was practised on to believe that all this praise was not referable to the Timber duties, but to Reform, I shall now explain. It is in the next passage of the same speech:—"They

have not got Reform yet; but when the measure does come, as I am persuaded it will come, into the law of the land, it will consolidate, establish, and strengthen our glorious constitution; and not only operate for the general welfare and happiness of the country, but will also render an act of justice to the great and influential body of the people. The measure has not yet been introduced to that House of which I am a member." (Lord Winchelsea and his friends here cheered loudly.) Aye, but it had been debated in the House of Commons for near a month,—it had been published in all books, pamphlets, and newspapers,—it had been discussed in all companies and societies,—and I will undertake to assert, that there was not one single man in the whole county of Kent, who did not know that Lord John Russell's Bill was a Bill for Parliamentary Reform. The speech thus concludes:—"When the Bill is brought forward in that House of which I am a member, I shall be at my post, ready to give it my most hearty and cordial"—opposition?—no,—"support." But why do I allude to this speech at all? Merely to show, that if those who oppose the Bill say to us, "Who are you that propound it?" and make our previous conduct a ground for rejecting it, through distrust of its authors, we have a right to reply to them with another question, and to ask, "Who are you that resist it, and what were your previous opinions regarding it?"

Another noble Lord* has argued this question with great ability and show of learning; and if we are to take him as our guide, we must also look at the panacea which he provides for us in case of rejection. That noble Lord, looking around him on all sides—surveying what had occurred in the last forty or fifty years,—glancing above him and below him, around him and behind him,—watching every circumstance

* Lord Mansfield.

of the past,—anticipating every circumstance of the future,—scanning every sign of the times,—taking into his account all the considerations upon which a lawgiver ought to reckon,—regarding also the wishes, the vehement desires, not to say absolute demands, of the whole country for some immediate Reform,—concentrates all his wisdom in this proposition,—the result, the *practical result* of all his deliberations, and all his lookings about, and all his scannings of circumstances—the whole produce of his thoughts, by the value of which you are to try the safety of his counsels —namely, that you should suspend all your operations on this Bill for two years, and, I suppose, two days, to give the people—what? breathing time. The noble Lord takes a leaf out of the book of the noble Duke near him,—a leaf, which I believe the noble Duke himself would now wish cancelled. The noble Duke shortly before he proposed the great measure of Catholic Emancipation, had said,—"Before I can support that measure, I should wish that the whole question might sink into oblivion." But the proposition of the noble Earl, though based on the same idea, goes still farther. "Bury," says he, "this measure of Reform in oblivion for two years and two days, and then see, good people, what I will do for you." And then what will the noble Lord do for the good people?—Why, Nothing—neither more nor less than Nothing. We, innocents that we were, fancied that the noble Lord must, after all his promises, really mean to do something; and thought he had said somewhat of bribery, —of doing a little about bribery,—which was his expression; but when we mentioned our supposition, that he really meant to go as far as to support a Bill for the more effectual prevention of bribery at elections, the noble Lord told us he would do no such thing.

The Earl of Mansfield.—I gave no opinion on the point.

The Lord Chancellor.—Exactly so. The noble

Lord reserves his opinion as to whether he would put down bribery for two years and two days; and when they are expired, he, peradventure, may inform us whether he will give us leave to bring in a Bill to prevent bribery; not all kinds of bribery—that would be radical work—but as far as the giving away of ribands goes, leaving beer untouched, and agreeably to the venerable practice of the olden time.

Another noble Lord, a friend of mine, whose honesty and frankness stamp all he says with still greater value than it derives from mere talent,* would have you believe that all the Petitions, under which your table now groans, are indeed for Reform, but not for this Bill, which he actually says the people dislike. Now is not this a droll way for the people to act, if we are to take my noble friend's statement as true? First of all, it is an odd time they have taken to petition for Reform, if they do not like this Bill. I should say that if they petition for Reform, whilst this particular measure is passing through the House, it is a proof that the Bill contains the Reform they want. Surely, when I see the good men of this country—the intelligent and industrious classes of the community —now coming forward, not by thousands but by hundreds of thousands, I can infer nothing from their conduct, but that this is the Bill, and the only Bill, for which they petition. But if they really want some Reform other than the Bill proposes, is it not still more unaccountable that they should one and all petition, not for that other Reform, but for this very measure? The proposition of my noble friend is, that they love Reform in general, but hate this particular plan; and the proof of it is this, that their petitions all pray earnestly for this particular plan, and say not a word of general Reform. Highly as I prize the integrity of my noble friend,—much as I admire his

* Lord Wharncliffe.

good sense on other occasions,—I must say, that on this occasion I descry not his better judgment, and I estimate how far he is a safe guide either as a witness to facts, or as a judge of measures, by his success in the present instance; in either capacity, I cannot hesitate in recommending your lordships not to follow him. As a witness to facts, never was failure more complete. The Bill, said he, has no friends anywhere; and he mentioned Bond Street as one of his walks, where he could not enter a shop without finding its enemies abound. No sooner had Bond Street escaped his lips than up comes a petition to your lordships from nearly all its shopkeepers, affirming that their sentiments have been misrepresented, for they are all champions of the Bill. My noble friend then says, "Oh, I did not mean the shopkeepers of Bond Street in particular; I might have said any other street, as St. James's equally." No sooner does that unfortunate declaration get abroad, than the shopkeepers of St. James's Street are up in arms, and forth comes a petition similar to that from Bond Street. My noble friend is descried moving through Regent Street, and away scamper all the inhabitants, fancying that he is in quest of Anti-Reformers—sign a requisition to the churchwardens—and the householders, one and all, declare themselves friendly to the Bill. Whither shall he go—what street shall he enter, in what alley shall he take refuge—since the inhabitants of every street, and lane, and alley, feel it necessary, in self-defence, to become signers and petitioners, as soon as he makes his appearance among them? If harassed by Reformers on land, my noble friend goes down to the water, the thousand Reformers greet him, whose petition* I this day presented to your lordships. If he were to get into a hackney coach, the very coachmen and their attendants would feel it their duty to assemble and petition.

* Lambeth.

Wherever there is a street, an alley, a passage, nay, a river, a wherry, or a hackney coach, these, because inhabited, become forbidden and *tabooed* to my noble friend. I may meet him not on "the accustomed hill," for Hay-hill, though short, has some houses on its slope, but on the south side of Berkeley Square, wandering "remote, unfriended, melancholy, slow,"—for there he finds a street without a single inhabitant, and therefore without a single friend of the Bill. If, in despair, he shall flee from the town to seek the solitude of the country, still will he be pursued by cries of "Petition, petition! The Bill, the Bill!" His flight will be through villages placarded with "The Bill"—his repose at inns holden by landlords who will present him with the Bill—he will be served by Reformers in the guise of waiters—pay tribute at gates where petitions lie for signing—and plunge into his own domains to be overwhelmed with the Sheffield petition, signed by 10,400 friends of the Bill.

> "Me miserable! which way shall I fly
> Infinite wrath and infinite despair?
> Which way I fly, Reform—myself Reform!"

for this is the most serious part of the whole,—my noble friend is himself, after all, a Reformer. I mention this to show that he is not more a safe guide on matters of opinion than on matters of fact. He is a Reformer—he is not even a bit-by-bit Reformer—not even a gradual Reformer—but that which at any other time than the present would be called a wholesale, and even a Radical Reformer. He deems that no shadowy unsubstantial Reform,—that nothing but an effectual remedy of acknowledged abuses, will satisfy the people of England and Scotland; and this is a fact to which I entreat the earnest and unremitting attention of every man who wishes to know what guides are safe to follow on this subject. Many now follow men who say that Reform is necessary, and yet

object to this Bill as being too large; that is, too efficient. This may be very incorrect; but it is worse; it is mixed up with a gross delusion, which can never deceive the country; for I will now say, once for all, that every one argument which has been urged by those leaders is as good against moderate Reform as it is against this Bill. Not a single reason they give, not a topic they handle, not an illustration they resort to, not a figure of speech they use, not even a flower they fling about, that does not prove or illustrate the position of "*No Reform.*" All their speeches, from beginning to end, are railing against the smallest as against the greatest change, and yet all the while they call themselves Reformers! Are they then safe guides for any man who is prepared to allow any Reform, however moderate, of any abuse, however glaring?

Of another noble Earl,* whose arguments, well selected and ably put, were yet received with such exaggerated admiration by his friends as plainly showed how pressing were their demands for a tolerable defender, we have heard it said, again and again, that no answer whatever has been given to his speech. I am sure I mean no disrespect to that noble Earl, when I venture to remark the infinite superiority in all things, but especially in argument, of such speeches as those of the noble Marquis† and the noble Viscount.‡ The former, in his most masterly answer, left but little of the speech for any other antagonist to destroy. The latter, while he charmed us with the fine eloquence that pervaded his discourse, and fixed our thoughts by the wisdom and depth of reflection that informed it, won all hearers by his candour and sincerity. Little, indeed, have they left for me to demolish; yet if anything remain, it may be as well we should take it to pieces. But I am first considering the noble Earl in the light of one professing to be a safe guide for your

* Lord Harrowby. † Marquis Lansdowne. ‡ Viscount Melbourne.

lordships. What then are his claims to the praise of calmness and impartiality? For the constant cry against the Government is, "You are hasty, rash, intemperate men. You know not what you do; your adversaries are the true State physicians; look at their considerate deportment; imitate their solemn caution." This is the sort of thing we hear in private as well as public. "See such an one,—*he* is a man of prudence, and a discreet (the olden times called such a *sad*) man; he is not averse to all innovation, but dislikes precipitancy; he is calm; just to all sides alike; never gives a hasty opinion; a safe one to follow; look how *he* votes." I have done this on the present occasion; and, understanding the noble Earl might be the sort of personage intended, I have watched him. Common consistency was of course to be at all events expected in this safe model—some connexion between the premises and conclusion, the speech and the vote. I listened to the speech, and also, with many others, expected that an avowal of all, or nearly all, the principles of the Bill would have ended in a vote for the second reading, which might suffer the Committee to discuss its details, the only subject of controversy with the noble Earl. But no such thing; he is a Reformer, and approves the principle, objecting to the details, and, therefore, he votes against it in the lump, details, principle, and all. But soon after his own speech closed he interrupted another, that of my noble and learned friend,* to give us a marvellous sample of calm and impartial judgment. What do you think of the cool head—the unruffled temper—the unbiassed mind of that man—most candid and most acute as he is, when not under the domination of alarm—who could listen without even a gesture of disapprobation to the speech of one noble Lord,† professedly not extemporaneous, for he, with becoming

* Lord Plunkett. † Lord Mansfield.

though unnecessary modesty, disclaims the faculty of speaking off-hand, but elaborately prepared, in answer to a member of the other House, and in further answer to a quarto volume, published by him—silent and unmoved, could hear another speech, made up of extracts from the House of Commons' debates—could listen and make no sign when a noble Marquis* referred to the House of Commons' speeches of my noble friend by his House of Commons' name, again and again calling him Charles Grey, without even the prefix of Mr.; nay, could *himself* repeatedly comment upon those very speeches of the other House—what will your lordships say of the fatal effects of present fear, in warping and distorting a naturally just mind, when you find this same noble Earl interrupt the Chancellor of Ireland, because he most regularly, most orderly, referred to the public conduct of a Right Honourable Baronet,† exhibited in a former Parliament, and now become a matter of history? Surely, surely, nothing more is wanted to show that all the rashness—all the heedlessness—all the unreflecting precipitancy, is not to be found upon the right hand of the woolsack; and that they who have hurried across the sea, in breathless impatience, to throw out the Bill, might probably, had they been at home, and allowed themselves time for sober reflection, have been found among the friends of a measure which they now so acrimoniously oppose! So much for the qualifications of the noble Lords, to act safely as our guides, according to the general view of the question as one of mere authority, taken by my noble friend.‡ But I am quite willing to rest the subject upon a higher ground, and to take it upon reason, and not upon authority. I will therefore follow the noble Earl§ somewhat more closely through his argument, the boast of our antagonists.

* Marquis Londonderry. † Sir R. Peel. ‡ Lord Dudley.
§ Lord Harrowby.

He began with historical matter, and gave a very fair and manly explanation of his family's connexion with the Borough of Tiverton. This, he said, would set him *rectus in curiâ*, as he phrased it. If by this he meant that he should thence appear to have no interest in opposing the Bill, I cannot agree with him; but certainly his narrative, coupled with a few additions by way of reference, which may be made to it, throws considerable light upon the system of rotten boroughs. The influence by which his family have so long returned the two members, is, it seems, personal, and in no way connected with property. This may be very true; for certainly the noble Lord has no property within a hundred miles of the place; yet, if it is true, what becomes of the cry, raised by his Lordship, about property? But let that pass—the influence then is personal—ay, but it may be personal, and yet be *official* also. The family of the noble Earl has for a long series of years been in high office, ever since the time when its founder also laid the foundations of the borough connexion, as Solicitor-General. By some accident or other, they have always been connected with the Government, as well as the borough. I venture to suspect that the matter of patronage may have had some share in cementing the attachment of the men of Tiverton to the house of Ryder. I take leave to suggest the bare possibility of many such men having always held local and other places—of the voters and their families having always got on in the world through that patronage. If it should turn out that I am right, there may be no very peculiar blame imputable to the noble Earl and his Tiverton supporters; but it adds one to the numberless proofs that the borough system affords endless temptations to barter political patronage for Parliamentary power—to use official influence for the purpose of obtaining seats in the Commons, and, by means of those seats, to retain that influence.

The noble Earl complained that the Reform Bill

shut the doors of Parliament against the eldest sons of Peers, and thus deprived our successors of the best kind of political education. My Lords, I freely admit the justice of his panegyric upon this constitutional training, by far the most useful which a statesman can receive; but I deny that the measure proposed will affect it—will obstruct the passage to the House of Commons; it will rather clear and widen it to all, who, like your lordships' sons, ought there to come. My noble friend,* who so admirably answered the noble Earl, in a speech distinguished by the most attractive eloquence, and which went home to every heart from the honest warmth of feeling, so characteristic of his nature, that breathed through it—has already destroyed this topic by referring to the most notorious facts, by simply enumerating the open counties represented by Peers' eldest sons. But I had rather take one instance for illustration, because an individual case always strikes into the imagination, and rivets itself deep in the memory. I have the happiness of knowing a young nobleman—whom to know is highly to esteem—a more virtuous, a more accomplished I do not know—nor have any of your lordships, rich as you are in such blessings, any arrow in all your quivers of which you have more reason to be proud. He sat for a nomination borough; formed his own opinion; decided for the Bill; differed with his family—they excluded him from Parliament, closing against him, at least that avenue to a statesman's best education, and an heir-apparent's most valued preparation for discharging the duties of the peerage. How did this worthy scion of a noble stock seek to re-open the door thus closed, and resume his political schooling, thus interrupted by the borough patrons? Did he resort to another close borough, to find an avenue like that which he had lost under the present system, and long

* Lord Goderich.

before the wicked bill had prevented young Lords from duly finishing their Parliamentary studies? No such thing. He threw himself upon a large community—canvassed a populous city—and started as a candidate for the suffrages of thousands, on the only ground which was open to such solicitation—he avowed himself a friend of the Bill. *Mutato nomine de te.* The borough that rejected him was Tiverton—the young nobleman was the heir of the house of Ryder—the patron was the noble Earl, and the place to which the ejected member resorted for the means of completing his political education in one house, that he might one day be the ornament of the other, was no small, rotten, nomination borough, but the great town of Liverpool.

Lord Harrowby begged to set the noble and learned Lord right. He was himself abroad at the time, fifteen hundred miles off; and his family had nothing to do with the transaction. His son was not returned, because he did not offer himself. (Cries of Hear!)

The *Lord Chancellor* continued.—I hope the noble Lords will themselves follow the course their cries seem to recommend, and endeavour to *hear*. Excess of noise may possibly deter some speakers from performing their duty; but my political education (of which we are now speaking) has been in the House of Commons; my habits were formed there; and no noise will stop me. I say so in tenderness to the noble persons who are so clamorous; and that, thus warned, they may spare their own lungs those exertions which can have no effect except on my ears, and perhaps to make me more tedious. As to the noble Earl's statement, by way of setting me right, it is wholly unnecessary, for I knew he was abroad—I had represented him as being abroad, and I had never charged him with turning out his son. The family, however, must have done it. (Lord Harrowby said, *No.*) Then so much the better for my argument against the system, for then the

borough itself had flung him out, and prevented him from having access to the political school. I believe the statement that the family had nothing to do with it, because the noble Earl makes it; but it would take a great deal of statement to make me believe that neither the patron nor the electors had anything to do with the exclusion, and that the member had voluntarily given up his seat, and indeed his office with his seat, beside abandoning his political studies, when he could have continued them as representative of his father's borough.

But the next argument of the noble Earl I am, above all, anxious to grapple with, because it brings me at once to a direct issue with him, upon the great principle of the measure. The grand charge iterated by him, and re-echoed by his friends, is, that population, not property, is assumed, by the bill, as the basis of representation. Now, this is a mere fallacy, and a gross fallacy. I will not call it a wilful mis-statement; but I will demonstrate that two perfectly different things are in different parts of this short proposition, carefully confounded, and described under the same equivocal name. If, by basis of representation is meant the ground upon which it was deemed right, by the framers of the bill, that some places should send members to Parliament, and others not, then I admit that there is some foundation for the assertion; but then it only applies to the new towns, and also it has no bearing whatever upon the question. For the objection—and I think the sound objection—to taking mere population as a criterion in giving the elective franchise, is, that such a criterion gives you electors without a qualification, and is, in fact, universal suffrage. And herein, my Lords, consists the grievous unfairness of the statement I am sifting; it purposely mixes together different matters, and clothes them with an ambiguous covering, in order, by means of the confusion and the disguise, to insinuate that universal suffrage is at the root of the bill. Let

us strip off this false garb. Is there in the bill anything resembling universal suffrage? Is it not framed upon the very opposite principles? In the counties, the existing qualification by freehold is retained in its fullest extent; but the franchise is extended to the other kinds of property, copyhold and leasehold. It is true that tenants at will are also to enjoy it, and their estate is so feeble, in contemplation of law, that one can scarce call it property. But whose fault is that? Not the authors of the bill, for they deemed that terms of years alone should give a vote; but they were opposed and defeated in this by the son of my noble friend* near me, and his fellow-labourers against the measure. Let us now look to the borough qualification. (*Some noise from conversation here took place.*) Noble Lords must be aware that the Chancellor, in addressing your lordships, stands in a peculiar situation. He alone speaks among his adversaries. Other Peers are at least secure against being interrupted by the conversation of those in their immediate neighbourhood. And for myself, I had far rather confront any distant cheers, however hostile, than be harassed by the talk of those close by. No practice in the House of Commons can ever accustom a person to this mode of annoyance, and I expect it, in fairness, to cease.

To resume the subject where I was forced to break off.—I utterly deny that population is the test, and property disregarded, in arranging the borough representation. The franchise is conferred upon householders only. Is not this a restriction? Even if the right of voting had been given to all householders, still the suffrage would not have been universal; it would have depended on property, not on numbers; and it would have been a gross misrepresentation to call population the basis of the bill. But its framers restricted that generality, and determined that property,

* The Duke of Buckingham.

to a certain considerable amount, should alone entitle to elect. It is true they did not take freehold tenure of land, as that qualification is inconsistent with town rights—nor did they take a certain amount of capital as the test—for that, beside its manifest inconvenience, would be a far more startling novelty than any the measure can be charged with. But the renting a £10 house is plainly a criterion both of property and respectability. It is said, indeed, that we have pitched this qualification too low—but are we not now debating on the principle of the bill? And is not the Committee the place for discussing whether that principle should be carried into effect by a qualification of £10, or a higher? I have no objection, however, to consider this mere matter of detail here; and if I can satisfy the noble Earl that, all over England, except in London and a few other great towns, £10 is not too low, I may expect his vote after all. Now, in small towns—I speak in the hearing of noble Lords who are well acquainted with the inhabitants of them, persons living in £10 houses are in easy circumstances. This is undeniably the general case. In fact, the adoption of that sum was not a matter of choice. We had originally preferred £20, but when we came to inquire, it appeared that very large places had a most inconsiderable number of such houses. One town, for instance, with 17,000 or 18,000 inhabitants, had not twenty who rented houses rated at £20 a-year. Were we to destroy one set of close boroughs, the Old Sarums and Gattons, which had at least possession to plead for their title, in order to create another new set of boroughs just as close, though better peopled? In the large town I have alluded to, there were not three hundred persons rated at £10. Occupiers of such houses, in some country towns, fill the station of inferior shopkeepers—in some, of the better kind of tradesmen—here they are foremen of workshops—there, artizans earning good wages—sometimes, but

seldom, labourers in full work: generally speaking, they are a class above want, having comfortable houses over their heads, and families and homes to which they are attached. An opinion has been broached, that the qualification might be varied in different places, raised in the larger towns, and lowered in the smaller. To this I myself, at one time, leant very strongly; I deemed it a great improvement of the measure. If I have since yielded to the objections which were urged, and the authorities brought to bear against me, this I can very confidently affirm, that if any one shall propound it in the Committee, he will find in me, I will not say a supporter, but certainly an ample security, that the doctrine, which I deem important, shall undergo a full and candid and scrutinizing discussion. I speak for myself only—I will not even for myself say, that were the Committee so to modify the bill, I would accept it thus changed. Candour prevents me from holding out any such prospect; but I do not feel called upon to give any decisive opinion now upon this branch of the details, not deeply affecting the principle; only, I repeat emphatically, that I shall favour its abundant consideration in the proper place—the Committee.

My Lords, I have admitted that there is some truth in the assertion of population being made the criterion of title in towns to send representatives, though it has no application to the present controversy. Some criterion we were forced to take; for nobody holds that each place should choose members severally. A line must be drawn somewhere, and how could we find a better guide than the population? That is the general test of wealth, extent, importance; and therefore substantially, though not in name, it is really the test of property. Thus, after all, by taking population as the criterion of what towns shall send members, we get at property by almost the only possible road, and property becomes substantially the basis of the title to send representatives; as it confessedly is, in name as well

as in substance, the only title to concur in the election of them. The whole foundation of the measure, therefore, and on which all its parts rest, is property alone, and not at all population.

But then, says the noble Earl, the population of a town containing 4,000 souls may, for any provision to the contrary in the bill, be all paupers! Good God! Did ever man tax his ingenuity so hard to find an absurdly extreme case? What! a town of 4,000 paupers! 4,000 inhabitants, and all quartered on the rates! Then who is to pay the rates? But if extreme cases are to be put on the one side, why may not I put one on the other? What say you to close boroughs coming, by barter or sale, into the hands of Jew jobbers, gambling loan-contractors, and scheming attorneys, for the materials of extreme cases? What security do these afford against the machinations of aliens—aye, and of alien enemies? What against a Nabob of Arcot's parliamentary and financial speculations? What against that truly British potentate naming eighteen or twenty of his tools members of the British House of Commons? But is this an extreme case, one that stands on the outermost verge of possibility, and beyond all reach of probable calculation? Why, it once happened; the Nabob Wallajah Cawn Bahauder had actually his eighteen or twenty members bought with a price, and sent to look after his pecuniary interests, as honest and independent Members of Parliament. Talk now of the principle of property—the natural influence of great families—the sacred rights of the aristocracy—the endearing ties of neighbourhood—the paramount claims of the landed interest! Talk of British duties to discharge—British trusts to hold—British rights to exercise! Behold the sovereign of the Carnatic, who regards nor land nor rank, nor connexion, nor open county, nor populous city; but his eye fastens on the time-honoured relics of departed greatness and extinct population—the walls of

Sarum and Gatton; he arms his right hand with their venerable parchments, and, pointing with his left to a heap of star pagodas too massive to be carried along, lays siege to the citadel of the constitution, the Commons House of Parliament, and its gates fly open to receive his well disciplined band. Am I right in the assertion, that a foreign prince obtaining votes in Parliament, under the present system, is no extreme case? Am I wrong in treating with scorn the noble Earl's violent supposition of a town with 4,000 souls, and all receiving parish relief?

But who are they that object to the Bill its disregard of property? Is a care for property that which peculiarly distinguishes the system *they* uphold? Surely the conduct of those who contend that property alone ought to be considered in fixing the rights of election, and yet will not give up one freeman of a corporation to be disfranchised, presents to our view a miracle of inconsistency. The right of voting, in freemen, is wholly unconnected with any property of any kind whatever; the being a freeman, is no test of being worth one shilling. Freemen may be, and very often are, common day-labourers, spending every week their whole weekly gains—menial servants, having the right by birth—men living in alms-houses—parish paupers. All who have been at contested elections for corporate towns know that the question constantly raised is upon the right to vote of freemen receiving parish relief. The voters in boroughs, under the present system, are such freemen, non-resident as well as resident (a great abuse, because the source of a most grievous expense to candidates), inhabitants paying scot and lot, which is only an imperfect form of the qualification intended by the Bill to be made universal, under wholesome restrictions—and burgage tenants. I have disposed of the two first classes; there remains the last. Burgages, then, are said to be property, and, no doubt, they resemble it a good deal more than the rights of freemen

do. In one sense, property they certainly are. But whose? The lord's who happens to have them on his estate. Are they the property of the voter, who, to qualify him for the purposes of election, receives his title by a mock conveyance at two o'clock in the afternoon, that he may vote at three for the nominee of the real owner, and at four, returns it to the Solicitor of that owner, to be ready for the like use at the next election? This is your present right of voting by burgage, and this you call a qualification by virtue of property. It is a gross abuse of terms. But it is worse: it is a gross abuse of the Constitution—a scandal and an outrage no longer to be endured. That a Peer, or a speculating Attorney, or a jobbing Jew, or a gambler from the Stock Exchange, by vesting in his own person the old walls of Sarum, a few pig-styes at Bletchingly, or a summer-house at Gatton, and making fictitious and collusive and momentary transfers of them to an agent or two, for the purpose of enabling them to vote as if they had the property, of which they all the while know they have not the very shadow, is in itself a monstrous abuse, in the form of a gross and barefaced cheat; and becomes the most disgusting hypocrisy, when it is seriously treated as a franchise by virtue of property. I will tell those Peers, Attorneys, Jobbers, Loan-contractors, and the Nabob's agents, if such there still be among us, that the time is come when these things can no longer be borne—and an end *must* at length be put to the abuse which suffers the most precious rights of Government to be made the subject of common barter—the high office of making laws to be conveyed by traffic, pass by assignment under a commission of bankrupt, or the powers of an insolvent act, or be made over for a gaming debt. If any one can be found to say that the abuses which enable a man to put his livery servants in the House of Commons as lawgivers, are essential parts of the British Constitution, he must have read its history

with better eyes than mine; and if such person be right, I certainly am wrong—but if I am, then also are all those other persons far more in the wrong, who have so lavishly, in all times and countries, sung the praises of that Constitution. I well remember, when I argued at that Bar the great case of my Noble friend* claiming a barony by tenure—it was again and again pressed upon me by the noble and learned Earl,† as a consequence of the argument absurd enough to refute it entirely, that a seat in this House might become vested, as he said, in a tailor, as the assignee of an insolvent's estate and effects. I could only meet this by humbly suggesting, that the anomaly, the grossness of which I was forced to admit, already existed in every day's practice; and I reminded your lordships of the manner in which seats in the other House of the Legislature are bought and sold. A tailor may by purchase, or by assignment under a bankruptcy, obtain the right of sending Members to Parliament, and he may nominate himself—and the case has actually happened. A waiter at a gambling-house did sit for years in that House, holding his borough property, for aught I can tell, in security of a gambling debt. By means of that property, and right of voting, he advanced himself to the honours of the baronetcy. Fine writing has been defined to be right words in right places; so may fine acting be said to consist of right votes in right places, that is, on pinching questions; and in the discharge of my professional duty on the occasion of which I am speaking, I humbly ventured to approach a more awful subject, and to suggest the possibility of the worthy baronet rising still higher in the state; and, by persisting in his course of fine acting and judicious voting, obtaining, at length, a seat among your lordships—which he would then have owed to a gambling debt. Certain it is, that the honours of the Peerage

* Lord Segrave. † Earl of Eldon.

have been bestowed before now upon right voters in right places. While I am on this subject, I cannot but advert to the remarks of my noble and learned friend* who was elevated from the bench to this House, and who greatly censured the Ministers for creating some Peers who happened to agree with them in politics. The coronation was, as all men know, forced upon us; nothing could be more against our will; but the Opposition absolutely insisted on having one, to show their loyalty; a creation of Peers was the necessary consequence, and the self-same number were made as at the last coronation, ten years ago. But we did not make our adversaries Peers—we did not bring in a dozen men to oppose us—that is my noble friend's complaint; and we did not choose our Peers for such merits as alone, according to his view, have always caused men to be ennobled. Merit, no doubt, has opened to many the doors of this House. To have bled for their country—to have administered the highest offices of the State—to have dispensed justice on the Bench—to have improved mankind by arts invented, or enlightened them by science extended—to have adorned the world by letters, or won the more imperishable renown of virtue—these, no doubt, are the highest and the purest claims to public honours; and from some of these sources are derived the titles of some among us —to others, the purest of all, none can trace their nobility—and upon not any one of them can one single Peer in a score rest the foundation of his seat in this place. Service without a scar in the political campaign—constant presence in the field of battle at St. Stephen's chapel—absence from all other fights, from "Blenheim down to Waterloo"—but above all, steady discipline—right votes in right places—these are the precious, but happily not rare qualities, which have generally raised men to the Peerage. For these quali-

* Lord Wynford.

ties, the gratitude of Mr. Pitt showered down his Baronies by the score, and I do not suppose he ever once so much as dreamt of ennobling a man who had ever been known to give one vote against him.

My Lords, I have been speaking of the manner in which owners of boroughs traffic, and exercise the right of sending Members to Parliament. I have dwelt on no extreme cases; I have adverted to what passes every day before our eyes. See now the fruits of the system, also by every day's experience. The Crown is stript of its just weight in the Government of the country, by the masters of rotten boroughs;—they may combine; they do combine, and their union enables them to dictate their own terms. The people are stript of their most precious rights, by the masters of rotten boroughs—for they have usurped the elective franchise, and thus gained an influence in Parliament which enables them to prevent its restoration. The best interests of the country are sacrificed by the masters of rotten boroughs—for their nominees must vote according to the interest not of the nation at large, whom they affect to represent, but of a few individuals, whom alone they represent in reality. But so perverted have men's minds become, by the gross abuse to which they have been long habituated, that the grand topic of the noble Earl,* and other debaters —the master-key which instantly unlocked all the sluices of indignation in this quarter of the House against the measure—which never failed, how often soever used, to let loose the wildest cheers, has been —that our Reform will open the right of voting to vast numbers, and interfere with the monopoly of the few; while we invade, as it is pleasantly called, the property of the Peers and other borough holders. Why, say they, it absolutely amounts to representation! And wherefore should it not, I say? and what else ought it

* Lord Harrowby.

to be? Are we not upon the question of representation and none other? Are we not dealing with the subject of a representative body for the people? The question is, how we may best make the people's House of Parliament represent the people; and, in answer to the plan proposed, we hear nothing but the exclamations —"Why, this scheme of yours is rank representation! It is downright election! It is neither more nor less than giving the people a voice in the choice of their own representatives! It is absolutely that most strange —unheard-of—unimagined—and most abominable—intolerable—incredibly-inconsistent and utterly pernicious novelty, that the members chosen should have electors, and that the constituents should have something to do with returning the members!"

But we are asked, at what time of our history any such system as we propose to establish was ever known in England, and this appeal, always confidently made, was never more pointedly addressed than by my noble and learned friend* to me. Now, I need not remind your lordships, that the present distribution of the right to send members, is anything rather than very ancient; still less has it been unchanged. Henry VIII. created twenty boroughs—Edward VI. made twelve—good Queen Elizabeth created one hundred and twenty, revived forty-eight; and in all there were created and revived two hundred down to the Restoration. I need only read the words of Mr. Prynne upon the remote antiquity of our Borough System. He enumerates sixty-four boroughs—fourteen in Cornwall alone—as all new; and, he adds, "for the most part, the Universities excepted, very mean, poor, inconsiderable boroughs, set up by the late returns, practices of sheriffs, or ambitious gentlemen desiring to serve them, courting, bribing, feastihg them for their voices, not by prescription or charter (some few excepted), since the

* Lord Wynford.

reign of Edward IV., before whose reign they never elected or returned members to any English Parliament, as now they do."

Such then is the old and venerable distribution of representation time out of mind, had and enjoyed in Cornwall and in England at large. Falmouth and Bossiney, Lostwithiel and Grampound, may, it seems, be enfranchised, and welcome, by the mere power of the Crown. But let it be proposed to give Birmingham and Manchester, Leeds and Sheffield, Members by an Act of the Legislature, and the air resounds with cries of revolution!

But I am challenged to prove that the present system, as regards the elective franchise, is not the ancient Parliamentary Constitution of the country—upon pains, says my noble and learned friend, of judgment going against me if I remain silent. My Lords, I will not keep silence, neither will I answer in my own person, but I will refer you to a higher authority, the highest known in the law, and in its best days, when the greatest lawyers were the greatest patriots. Here is the memorable report of the committee of the Commons, in 1623-4, of which committee Mr. Serjeant Glanville was the chairman, of which report he was the author. Among its members were the most celebrated names in the law—Coke, and Selden, and Finch, and Noy, afterwards Attorney-General, and of known monarchical principles. The first Resolution is this:—

"There being no certain custom, nor prescription, who should be electors, and who not, we must have recourse to common right, which, to this purpose, was held to be, that more than the freeholders only ought to have voices in the election; namely, all men inhabitants, householders, resiants within the borough."

What then becomes of the doctrine that our Bill is a mere innovation—that by the old law of England, inhabitants householders had no right to vote—that

owners of burgage tenements, and freemen of corporations, have in all times exclusively had the franchise? Burgage tenants, it is true, of old had the right, but in the way I have already described—not as now, the nominal and fictitious holders for an hour merely for election purposes, but the owners of each —the real and actual proprietors of the tenement. Freemen never had it at all, till they usurped upon the inhabitants and thrust them out. But every householder voted in the towns without regard to value, as before the 8th of Henry VI. every freeholder voted without regard to value in the counties—not merely £10 householders, as we propose to restrict the right, but the holder of a house worth a shilling, as much as he whose house was worth a thousand pounds. But I have been appealed to; and I will take upon me to affirm, that if the Crown were to issue a writ to the Sheriff, commanding him to send his precept to Birmingham or Manchester, requiring those towns to send burgesses to Parliament, the votes of *all* inhabitant householders must needs be taken, according to the exigency of the writ and precept— the right of voting at common law, and independent of any usurpation upon it, belonging to every resident householder. Are, then, the King's Ministers innovators—revolutionists—wild projectors—idle dreamers of dreams and feigners of fancies, when they restore the ancient common law right, but not in its ancient common law extent, for they limit, fix, and contract it? They add a qualification of £10 to restrain it, as our forefathers, in the fifteenth century, restrained the county franchise by the freehold qualification.

But then we hear much against the qualification adopted—that is, the particular sum fixed upon—and the noble Earl* thinks it will only give us a set of constituents busied in gaining their daily bread, and

* Lord Harrowby.

having no time to study, and instruct themselves on state affairs. My noble friend too,* who lives near Birmingham, and may therefore be supposed to know his own neighbours better than we can, sneers at the statesmen of Birmingham and at the philosophers of Manchester. He will live—I tell him he will live to learn a lesson of practical wisdom from the statesmen of Birmingham, and a lesson of forbearance from the philosophers of Manchester. My noble friend was ill-advised, when he thought of displaying his talent for sarcasm upon 120,000 people in the one place, and 180,000 in the other. He did little, by such exhibitions, towards gaining a stock of credit for the order he belongs to—little towards conciliating for the aristocracy which he adorns, by pointing his little epigrams against such mighty masses of the people. Instead of meeting their exemplary moderation, their respectful demeanour, their affectionate attachment, their humble confidence, evinced in every one of the petitions, wherewithal they have in myriads approached the House, with a return of kindness—of courtesy—even of common civility;—he has thought it becoming and discreet to draw himself up in the pride of hexameter and pentameter verse,—skill in classic authors,—the knack of turning fine sentences,—and to look down with derision upon the knowledge of his unrepresented fellow-countrymen in the weightier matters of practical legislation. For myself, I too know where they are defective; I have no desire ever to hear them read a Latin line, or hit off in the mother tongue any epigram, whether in prose or in numerous verse. In these qualities they and I freely yield the palm to others. I, as their representative, yield it.—I once stood as such elsewhere, because they had none of their own; and though a noble Earl† thinks they suffer nothing by the want, I can tell him they did severely suffer in the

* Lord Dudley.

† Lord Harrowby.

greatest mercantile question of the day, the Orders in Council, when they were fain to have a professional advocate for their representative, and were only thus allowed to make known their complaints to Parliament. Again representing them here, for them I bow to my noble friend's immeasurable superiority in all things, classical or critical. In book lore—in purity of diction —in correct prosody—even in elegance of personal demeanour, I and they, in his presence, hide, as well we may, our diminished heads. But to say that I will take my noble friend's judgment on any grave practical subject,—on anything touching the great interests of our commercial country,—or any of those manly questions which engage the statesman, the philosopher in practice;—to say that I could ever dream of putting the noble Earl's opinions, ay, or his knowledge, in any comparison with the bold, rational, judicious, reflecting, natural, and, because natural, the trustworthy opinions of those honest men, who always give their strong natural sense fair play, having no affectations to warp their judgment—to dream of any such comparison as this, would be, on my part, a flattery far too gross for any courtesy—or a blindness which no habits of friendship could excuse!

When I hear so much said of the manufacturers and artizans being an inferior race in the political world, I, who well know the reverse to be the fact, had rather not reason with their contemners, nor give my own partial testimony in their favour; but I will read a letter which I happen to have received within the three last days, and since the Derby meeting. "Some very good speeches were delivered," says the writer, "and you will perhaps be surprised when I tell you that much the best was delivered by a common mechanic. He exposed, with great force of reasoning, the benefits which the lower classes would derive from the Reform Bill, and the interest they had in being well governed. Not a single observation escaped him, during a long

speech, in the slightest degree disrespectful to the House of Lords, and he showed as much good taste and good feeling as he could have done had he been a Member of St. Stephen's. He is of course a man of talent; but there are many others also to be found, not far behind him. The feeling in general is, that their capacity to judge of political measures is only despised by those who do not know them." These men were far from imputing to any of your lordships, at that time, a contempt for their capacities. They had not heard the speech of the noble Earl, and they did not suspect any man in this House of an inclination to despise them. They did, however, ascribe some such contemptuous feelings—*horresco referens*—to a far more amiable portion of the aristocracy. "They think," pursues the writer, "they are only treated with contempt by a few women (I suppress the epithets employed), who, because they set the tone of fashion in London, think they can do so here too."

The noble Earl behind* addressed one observation to your lordships, which I must in fairness confess I do not think is so easily answered as those I have been dealing with. To the Crown, he says, belongs the undoubted right, by the Constitution, of appointing its Ministers and the other public servants; and it ought to have a free choice, among the whole community, of the men fittest to perform the varied offices of the executive government. But, he adds, it may so happen, that the choice having fallen on the most worthy, his constituents, when he vacates his seat, may not re-elect him, or he may not be in Parliament at the time of his promotion; in either case he is excluded till a general election; and even at a general election, a discharge of unpopular, but necessary duties, may exclude him from a seat through an unjust and passing, and, possibly, a local disfavour with the electors. I

* Lord Harrowby.

have frankly acknowledged that I feel the difficulty of meeting this inconvenience with an apt and safe remedy, without a great innovation upon the elective principle. In the Committee, others may be able to discover some safe means of supplying the defect. The matter deserves fuller consideration, and I shall be most ready to receive any suggestion upon it. But one thing I have no difficulty in stating. Even should the evil be found remedyless, and that I have only the choice between taking the Reform with this inconvenience, or perpetuating that most corrupt portion of our system, condemned from the time of Swift down to this day, and which even the most moderate and bit-by-bit reformers have now abandoned to its fate—my mind is made up, and I cheerfully prefer the Reform.

The noble Earl* has told my noble friend at the head of the Government,† that he might have occupied a most enviable position, had he only abstained from meddling with Parliamentary Reform. He might have secured the support, and met the wishes of all parties. "He stood," says the noble Earl, "between the living and the dead."‡ All the benefit of this influence, and this following, it seems, my noble friend has forfeited by the measure of reform. My Lords, I implicitly believe the noble Lord's assertion, as far as regards himself. I know him to be sincere in these expressions, not only because he tells me so, which is enough, but because facts are within my knowledge, thoroughly confirming the statement. His support, and that of one or two respectable persons around him, we should certainly have had. Believe me, my Lords, we fully appreciated the value of the sacrifice we made; it was not without a bitter pang that we made up our minds to forego this advantage. But I cannot so far

* Lord Harrowby. † Lord Grey.

‡ This is a misapplication, apparently, of the noble allusion of one of our greatest orators (Mr. Wilberforce), who said of Mr. Pitt and Revolution—"*He stood between the living and the dead, and the plague was stayed.*"

flatter those noble persons, as to say that their support would have made the Government sufficiently strong in the last Parliament. Honest, and useful, and creditable as it would have been, it never could have enabled us to go on for a night without the support of the people. I do not mean the populace—the mob: I never have bowed to them, though I never have testified any unbecoming contempt of them. Where is the man who has yielded less to their demands than he who now addresses you? Have I not opposed their wishes again and again? Have I not disengaged myself from them on their most favourite subject, and pronounced a demonstration, as I deemed it, of the absurdity and delusion of the ballot. Even in the most troublous times of party, who has gone less out of his course to pay them court, or less submitted his judgment to theirs? But if there is the mob, there is the people also. I speak now of the middle classes—of those hundreds of thousands of respectable persons—the most numerous, and by far the most wealthy order in the community; for if all your lordships' castles, manors, rights of warren and rights of chase, with all your broad acres, were brought to the hammer, and sold at fifty years' purchase, the price would fly up and kick the beam when counterpoised by the vast and solid riches of those middle classes, who are also the genuine depositaries of sober, rational, intelligent, and honest English feeling. Unable though they be to round a period, or point an epigram, they are solid, right-judging men, and, above all, not given to change. If they have a fault, it is that error on the right side, a suspicion of state quacks—a dogged love of existing institutions—a perfect contempt of all political nostrums. They will neither be led astray by false reasoning, nor deluded by impudent flattery: but so neither will they be scared by classical quotations, nor browbeaten by fine sentences; and as for an epigram, they care as little for it as they do for a cannon ball.

Grave—intelligent—rational—fond of thinking for themselves—they consider a subject long before they make up their minds on it; and the opinions they are thus slow to form they are not swift to abandon. It is an egregious folly to fancy that the popular clamour for reform, or whatever name you please to give it, could have been silenced by a mere change of Ministers. The body of the people, such as I have distinguished and described them, had weighed the matter well, and they looked to the Government and to the Parliament for an effectual reform. Doubtless they are not the only classes who so felt; at their backs were the humbler and numerous orders of the state; and may God of his infinite mercy avert any occasion for rousing the might which in peaceful times slumbers in their arms! To the people, then, it was necessary, and it was most fit, that the Government should look steadily for support; not to save this or that administration; but because, in my conscience, I do believe that no man out of the precincts of Bethlem Hospital—nay, no thinking man, not certainly the noble Duke, a most sagacious and reflecting man,—can, in these times, dream of carrying on any Government in despite of those middle orders of the state. Their support must be sought, if the Government would endure—the support of the people, as distinguished from the populace, but connected with that populace, who look up to them as their kind and natural protectors. The middle class, indeed, forms the link which connects the upper and the lower orders, and binds even your lordships with the populace, whom some of you are wont to despise. This necessary support of the country it was our duty to seek (and I trust we have not sought it in vain), by salutary reforms, not merely in the representation, but in all the branches of our financial, our commercial, and our legal polity. But when the noble Earl talks of the Government being able to sustain itself by the support of himself and his friends, does he recollect the

strong excitement which prevailed last winter? Could we have steered the vessel of the State safely through that excitement, either within doors or without, backed by no other support? I believe he was then on the Bay of Naples, and he possibly thought all England was slumbering like that peaceful lake—when its state was more like the slumbers of the mountain upon its margin. Stand between the living and the dead, indeed! Possibly we might; for we found our supporters among the latter class, and our bitter assailants among the former. True it is, the noble Earl would have given us his honest support; *his* acts would have tallied with his professions. But can this be said of others? Did they, who used nearly the same language, and avowed the same feelings, give anything to the Government, but the most factious opposition? Has the noble Earl never heard of their conduct upon the Timber duties, when, to thwart the Administration, they actually voted against measures devised by themselves—ay, and threw them out by their division? Exceptions there were, no doubt, and never to be mentioned without honour to their names, some of the most noble that this House, or indeed any country of Europe can boast.* They would not, for spiteful purposes, suffer themselves to be dragged through the mire of such vile proceedings, and conscientiously refused to join in defeating the measures themselves had planned. These were solitary exceptions; the rest, little scrupulous, gave up all to wreak their vengeance on the men who had committed the grave offence, by politicians not to be forgiven, of succeeding them in their offices. I do not then think that in making our election to prefer the favours of the country to those of the noble Earl, we acted unwisely, independent of all considerations of duty and of consistency; and I fear I can claim for our conduct no praise of disinterestedness.

* Mr. T. F. Courtenay.

My Lords, I have followed the noble Earl as closely as I could through his arguments, and I will not answer those who supported him with equal minuteness, because, in answering him, I have really answered all the arguments against the Bill. One noble Lord* seems to think he has destroyed it, when he pronounces, again and again, that the members chosen under it will be delegates. What if they were delegates? What should a representative be but the delegate of his constituents? But a man may be the delegate of a single person, as well as of a city or a town; he may be just as much a delegate when he has one constituent as when he has 5,000—with this material difference, that under a single constituent, who can turn him off in a moment, he is sure to follow the orders he receives implicitly, and that the service he performs will be for the benefit of one man, and not of many. The giving a name to the thing, and crying out Delegate! Delegate! proves nothing; for it only raises the question, Who should be the delegator of this public trust—the people, or the borough-holders? Another noble Lord,† professing to wish well to the great unrepresented towns, complained of the Bill on their behalf, because, he said, the first thing it does is to close up the access which they at present possess to Parliament, by the purchase of seats for mercantile men, who may represent the different trading interests in general. Did ever mortal man contrive a subtlety so absurd, so nonsensical as this? What! Is it better for Birmingham to subscribe, and raise £5,000, for a seat at Old Sarum, than to have the right of openly and honestly choosing its own representative, and sending him direct to Parliament? Such horror have some men of the straight, open, highway of the constitution, that they would, rather than travel upon it, sneak into their seats by the dirty, winding, bye-ways of rotten boroughs.

* Lord Falmouth. † Lord Caernarvon.

But the noble Earl behind* professed much kindness for the great towns—he had no objection to give Birmingham, Manchester, and Sheffield representatives as vacancies might occur, by the occasional disfranchisement of boroughs for crimes. Was there ever anything so fantastical as this plan of Reform? In the first place, these great towns either ought to have Members, or they ought not. If they ought, why hang up the possession of their just rights upon the event of some other place committing an offence? Am I not to have my right till another does a wrong? Suppose a man wrongfully keeps possession of my close; I apply to him, and say, "Mr. Johnson, give me up my property, and save me and yourself an action of ejectment." Should not I have some cause to be surprised, if he answered, "Oh no, I can't let you have it till Mr. Thomson embezzles £10,000, and then I may get a share of it, and that will enable me to buy more land, and then I'll give you up your field."—"But I want the field, and have a right to get it; not because Thomson has committed a crime, but because it is my field, and not yours,—and I should be as great a fool as you are a knave, were I to wait till Thomson became as bad as yourself." I am really ashamed to detain your lordships with exposing such wretched trifling.

A speech, my Lords, was delivered by my noble friend under the opposite gallery,† which has disposed of much that remains of my task. I had purposed to show the mighty change which has been wrought in later times upon the opinions, the habits, and the intelligence of the people, by the universal diffusion of knowledge. But this has been done by my noble friend with an accuracy of statement, and a power of language, which I should in vain attempt to follow; and there glowed through his admirable oration, a natural warmth of feeling to which every heart instinc-

* Lord Harrowby. † Lord Radnor.

tively responded. I have, however, lived to hear that great speech talked of in the language of contempt. A noble Lord,* in the fulness of his ignorance of its vast subject, in the maturity of his incapacity to comprehend its merits, described it as an amusing—a droll speech; and in this profound criticism a noble Earl† seemed to concur, whom I should have thought capable of making a more correct appreciation.—Comparisons are proverbially invidious; yet I cannot help contrasting that speech with another which I heard not very long ago, and of which my noble friend‡ knows something; one not certainly much resembling the luminous speech in question, but a kind of chaos of dark, disjointed figures, in which soft professions of regard for friends fought with hard censures on their conduct, frigid conceptions with fiery execution, and the lightness of the materials with the heaviness of the workmanship—

> "Frigida pugnabant calidis, humentia siccis,
> Mollia cum duris, sine pondere habentia pondus."

A droll and amusing speech, indeed! It was worthy of the same speaker, of whom both Mr. Windham and Mr. Canning upon one occasion said, that he had made the finest they ever heard. It was a lesson deeply impregnated with the best wisdom of the nineteenth century, but full also of the profoundest maxims of the seventeenth. There was not a word of that speech—not one proposition in its luminous context—one sentence of solemn admonition or of touching regret—fell from my noble friend§—not a severe reproof of the selfishness—nor an indignant exclamation upon the folly of setting yourselves against the necessary course of events, and refusing the rights of civilization to those whom you have suffered to become civilized—not a sentiment, not a topic, which the immortal eloquence

* Lord Falmouth. † Earl Caernarvon. ‡ Earl Caernarvon.
§ Lord Radnor.

and imperishable wisdom of Lord Bacon did not justify, sanction, and prefix.

They who are constantly taunting us with subverting the system of the representation, and substituting a parliamentary constitution unknown in earlier times, must be told that we are making no change—that we are not pulling down, but building up—or, at the utmost, adapting the representation to the altered state of the community. The system which was hardly fitted for the fourteenth century, cannot surely be adapted to the nineteenth. The innovations of time, of which our detractors take no account, are reckoned upon by all sound statesmen; and in referring to them, my noble friend * has only followed in the footsteps of the most illustrious of philosophers. "Stick to your ancient parliamentary system," it is said; "make no alteration; keep it exactly such as it was in the time of Harry the Third, when the two Houses first sat in separate chambers, and such as it has to this day continued!" This is the ignorant cry; this the very shibboleth of the party. But I have joined an issue with our antagonists upon the fact; and I have given the evidence of Selden, of Glanville, of Coke, of Noy, and of Prynne, proving to demonstration that the original right of voting has been subjected to great and hurtful changes,—that the exclusive franchise of freemen is an usurpation upon householders,—and that our measure is a restoration of the rights thus usurped upon. I have shown that the ministers are only occupied in the duty of repairing what is decayed, not in the work of destruction, or of violent change. Your lordships were recently assembled at the great solemnity of the Coronation. Do you call to mind the language of the Primate, and in which the Monarch swore, when the sword of kingly estate was delivered into his hands? "Restore the things that are gone into decay; maintain that which

* Lord Radnor.

is restored; purify and reform what is amiss; confirm that which is in good order!" His Sacred Majesty well remembers his solemn vow, to restore the constitution, and to reform the abuses time has introduced; and I, too, feel the duty imposed on me, of keeping fresh in the recollection of the prince, whom it is my pride and my boast to serve, the parts of our system which fall within the scope of his vow. But if he has sworn to restore the decayed, so has he also sworn to maintain that which is restored, and to confirm that which wants no repairing; and what sacrifice soever may be required to maintain and confirm, that sacrifice I am ready to make, opposing myself, with my sovereign, to the surge that may dash over me, and saying to it, "Hitherto shalt thou come; here shall thy waves be stayed." For while that sovereign tells the enemies of all change, "I have sworn to restore!" so will he tell them who look for change only, "I have also sworn to maintain!"

"Stand by the whole of the old constitution!" is the cry of our enemies. I have disposed of the issue of fact, and shown that what we attack is anything but the old constitution. But suppose, for argument's sake, the question had been decided against us—that Selden, Coke, Noy, Glanville, Prynne, were all wrong—that their doctrine and mine was a mere illusion, and rotten boroughs the ancient order of things—that it was a fundamental principle of the old constitution to have members without constituents, boroughs without members, and a representative Parliament without electors. Suppose this to be the nature of the old, and much admired, and more bepraised, government of England. All this I will assume for the sake of the argument; and I solicit the attention of the noble Lords who maintain that argument, while I show them its utter absurdity. Since the early times of which they speak, has there been no change in the very nature of a seat in Parliament? Is there no difference

between our days and those when the electors eschewed the right of voting, and a seat in Parliament, as well as the elective franchise, was esteemed a burthen? Will the same principles apply to that age and to ours, when all the people of the three kingdoms are more eager for the power of voting than for any other earthly possession; and the chance of sitting in the House of Commons is become the object of all men's wishes? Even as late as the union of the Crowns, we have instances of informations filed in the courts of law to compel Parliament men to attend their duty, or punish them for the neglect—so ill was privilege then understood. But somewhat earlier, we find boroughs petitioning to be relieved from the expense of sending members, and members supported by their constituents as long as they continued their attendance. Is it not clear that the Parliamentary law applicable to that state of things cannot be applied to the present circumstances, without in some respects making a violent revolution? But so it is in the progress of all those changes which time is perpetually working in the condition of human affairs. They are really the authors of change, who resist the alterations which are required to adjust the system, and adapt it to new circumstances;—who forcibly arrest the progress of one portion amidst the general advancement. Take, as an illustration, the state of our jurisprudence. The old law ordained that a debtor's property should be taken in execution. But in early times there was no public funds, no paper securities, no accounts at bankers; land and goods formed the property of all; and those were allowed to be taken in satisfaction of debts. The law, therefore, which only said, let land and goods be taken, excluded the recourse against stock and credits, although it plainly meant that all the property should be liable, and would clearly have attached stock and credits, had they then been known. But when nine-tenths of the property of our richest men consist of stock and

credits, to exempt these under pretence of standing by the old law, is manifestly altering the substance for the sake of adhering to the letter; and substituting for the old law, that all the debtor's property should be liable, a new and totally different law, that a small part only of his property should be liable. Yet in no part of our system has there been a greater change than in the estimated value attached to the franchise, and to a seat in Parliament, from the times when one class of the community anxiously shunned the cost of electing, and another as cautiously avoided being returned, to those when both classes are alike anxious to obtain these privileges. Then, can any reasonable man argue, that the same law should be applied to two states of things so diametrically opposite? Thus much I thought fit to say, in order to guard your lordships against a favourite topic, one sedulously urged by the adversaries of Reform, who lead men astray by constantly harping upon the string of change, innovation, and revolution.

But it is said, and this is a still more favourite argument, the system works well. How does it work well? Has it any pretensions to the character of working well? What say you to a town of five or six thousand inhabitants, not one of whom has any more to do with the choice of its representatives than any of your lordships sitting round that table—indeed, a great deal less—for I see my noble friend* is there? It works well, does it? How works well? It would work well for the noble Duke, if he chose to carry his votes to market! Higher rank, indeed, he could not purchase, than he has; but he has many connexions, and he might gain a title for every one that bears his name. But he has always acted in a manner far more worthy of his own high character, and of the illustrious race of patriots from whom he descends, the founders of our liberties, and of the throne which our sovereign's

* The Duke of Devonshire.

exalted House fills; and his family have deemed that name a more precious inheritance than any title for which it could be exchanged. But let us see how the system works for the borough itself, and its thousands of honest, industrious inhabitants. My Lords, I once had the fortune to represent it for a few weeks; at the time when I received the highest honour of my life, the pride and exultation of which can never be eradicated from my mind but by death, nor in the least degree allayed by any lapse of time—the most splendid distinction which any subjects can confer upon a fellow-citizen—to be freely elected for Yorkshire, upon public grounds, and being unconnected with the county. From having been at the borough the day of election, I can give your lordships some idea how well the system works there. You may be returned for the place, but it is at your peril that you show yourself among the inhabitants. There is a sort of polling; that is, five or six of my noble friend's tenants ride over from another part of the country—receive their burgage qualifications—vote, as the enemies of the Bill call it, "in right of property," that is, of the Duke's property—render up their title-deeds—dine, and return home before night. Being detained in court at York longer than I had expected on the day of this elective proceeding, I arrived too late for the chairing, and therefore did not assist at that awful solemnity. Seeing a gentleman with a black patch, somewhere about the size of a serjeant's coif, I expressed my regret at his apparent ailment; he said, "It is for a blow I had the honour to receive in representing you at the ceremony." Certainly no constituent ever owed more to his representative than I to mine; but the blow was severe, and might well have proved fatal. I understand this is the common lot of the members, as my noble friend,* who once sat for the place, I believe, knows; though

* Lord Tankerville.

there is some variety, as he is aware, in the mode of proceeding, the convenient neighbourhood of a river with a rocky channel sometimes suggesting operations of another kind. I am very far, of course, from approving such marks of public indignation; but I am equally far from wondering that it should seek a vent; for I confess, that if the thousands of persons whom the well working of the present system insults with the farce of the Knaresborough election (and whom the Bill restores to their rights) were to bear so cruel a mockery with patience, I should deem them degraded indeed.

It works well, does it? For whom? For the constitution? No such thing. For borough proprietors it works well, who can sell seats, or traffic in influence, and pocket the gains. Upon the constitution it is the foulest stain, and eats into its very core.

It works well? For the people of England? For the people, of whom the many excluded electors are parcel, and for whom alone the few actual electors ought to exercise their franchise as a trust? No such thing. As long as a member of Parliament really represents any body of his countrymen, be they freeholders, or copyholders, or leaseholders—as long as he represents the householders in any considerable town —and is in either way deputed to watch over the interests of a portion of the community, and is always answerable to those who delegate him—so long has he a participation in the interests of the whole state, whereof his constituents form a portion; so long may he justly act as representing the whole community, having, with his particular electors, only a general coincidence of views upon national questions, and a rigorous coincidence where their special interests are concerned. But if he is delegated by a single man, and not by a county or a town, he does not represent the people of England; he is a jobber, sent to Parliament to do his own or his patron's work. But then

we are told, and with singular exultation, how many great men have found their way into the House of Commons by this channel. My Lords, are we, because the only road to a place is unclean, not to travel it? If I cannot get into Parliament, where I may render the state good service, by any other means, I will go that way, defiling myself as little as I can, either by the filth of the passage, or the indifferent company I may travel with. I won't bribe; I won't job, to get in; but if it be the only path open, I will use it for the public good. But those who indulge in this argument about great men securing seats, do not, I remark, take any account of the far greater numbers of very little men who thus find their way into Parliament, to do all manner of public mischief. A few are, no doubt, independent; but many are as docile, as disciplined in the evolutions of debate, as any troops the noble Duke had at Waterloo. One borough proprietor is well remembered, who would display his forces, command them in person, carry them over from one flank to the other, or draw them off altogether, and send them to take the field against the larks at Dunstable, that he might testify his displeasure. When conflicting bodies are pretty nearly matched, the evolutions of such a corps decide the fate of the day. The noble Duke* remembers how doubtful even the event of Waterloo might have been had Grouchy come up in time. Accordingly, the fortunate leader of that parliamentary force raised himself to an Earldom and two Lord Lieutenancies, and obtained titles and blue ribbands for others of his family, who now fill most respectable stations in this House.

The system, we are told, works well, because, notwithstanding the manner of its election, the House of Commons sometimes concurs immediately in opinion with the people; and, in the long run, is seldom found

* Wellington.

to counteract it. Yet sometimes, and on several of the most momentous questions, the run has, indeed, been a very long one. The Slave Trade continued to be the signal disgrace of the country, the unutterable opprobrium of the English name, for many years after it had been denounced in Parliament, and condemned by the people all in one voice. Think you this foul stain could have so long survived, in a reformed Parliament, the prodigious eloquence of my venerable friend, Mr. Wilberforce, and the unanimous reprobation of the country? The American war might have been commenced, and even for a year or two persevered in, for, though most unnatural, it was, at first not unpopular. But could it have lasted beyond 1778, had the voice of the people been heard in their own House? The French war, which in those days I used to think a far more natural contest, having in my youth leant to the alarmist party, might possibly have continued some years. But if the Representation of the country had been reformed, there can be no reason to doubt that the sound views of the noble Earl* and the immortal eloquence of my right honourable friend,† whose great spirit, now freed from the coil of this world, may be permitted to look down complacent upon the near accomplishment of his patriotic desires, would have been very differently listened to in a Parliament unbiassed by selfish interests; and of one thing I am as certain as that I stand here—that ruinous warfare never could have lasted a day beyond the arrival of Buonaparte's letter in 1800.

But still it is said public opinion finds its way more speedily into Parliament upon great and interesting emergencies. How does it so? By a mode contrary to the whole principles of representative Government, —by sudden, direct, and dangerous impulses. The fundamental principle of our constitution, the great

* Lord Grey. † Mr. Fox.

political discovery of modern times—that, indeed, which enables a state to combine extent with liberty,—the system of representation, consists altogether in the perfect delegation by the people, of their rights and the care of their interests, to those who are to deliberate and to act for them. It is not a delegation which shall make the representative a mere organ of the passing will, or momentary opinion, of his constituents—I am aware, my Lords, that in pursuing this important topic, I may lay myself open to uncandid inference, touching the present state of the country; but I feel sure no such unfair advantage will be taken, for my whole argument upon the national enthusiasm for Reform rests upon the known fact that it is the growth of half a century, and not of a few months; and, according to the soundest views of representative legislation, there ought to be a *general* coincidence between the conduct of the delegate and the sentiments of the electors. Now, when the public voice, for want of a regular and legitimate organ, makes itself, from time to time, heard within the walls of Parliament, it is by a direct interposition of the people, not in the way of a delegated trust, to make the laws—and every such occasion presents, in truth, an instance where the defects of our elective system introduce a recurrence to the old and barbarous schemes of Government, known in the tribes and centuries of Rome, or the assemblies of Attica. It is a poor compensation for the faults of a system which suffers a cruel grievance to exist, or a ruinous war to last twenty or thirty years after the public opinion has condemned it, that some occasions arise when the excess of the abuse brings about a violent remedy, or some revolutionary shock, threatening the destruction of the whole.

But it works well! Then why does the table groan with the petitions against it, of all that people, for whose interests there is any use in it working at all? Why did the country, at the last election, without

exception, wherever they had the franchise, return members commissioned to complain of it, and amend it? Why were its own produce, the men chosen under it, found voting against it by unexampled majorities? Of eighty-two English county members, seventy-six have pronounced sentence upon it, and they are joined by all the representatives of cities and of great towns.

It works well! Whence, then, the phenomenon of Political Unions,—of the people everywhere forming themselves into associations to put down a system which you say well serves their interests? Whence the congregation of 150,000 men in one place, the whole adult male population of two or three counties, to speak the language of discontent, and refuse the payment of taxes? I am one who never have either used the language of intimidation, or will ever suffer it to be used towards me; but I also am one who regard those indications with unspeakable anxiety. With all respect for those assemblages, and for the honesty of the opinions they entertain, I feel myself bound to declare, as an honest man, as a Minister of the Crown, as a Magistrate, nay, as standing, by virtue of my office, at the head of the magistracy, that a resolution not to pay the king's taxes is unlawful. When I contemplate the fact, I am assured that not above a few thousands of those nearest the chairman could know for what it was they held up their hands. At the same time there is too much reason to think that the rest would have acted as they did, had they heard all that passed. My hope and trust is, that these men and their leaders will maturely re-consider the subject. There are no bounds to the application of such a power; the difficulty of counteracting it is extreme; and as it may be exerted on whatever question has the leading interest, and every question in succession is felt as of exclusive importance, the use of the power I am alluding to, really threatens to resolve all Government, and even society itself, into

its elements. I know the risk I run of giving offence by what I am saying. To me, accused of worshipping the democracy, here is indeed a tempting occasion, if in that charge there were the shadow of truth. Before the great idol, the Juggernaut, with his 150,000 priests, I might prostrate myself advantageously. But I am bound to do my duty and speak the truth; of such an assembly I cannot approve; even its numbers obstruct discussion, and tend to put the peace in danger,—coupled with such a combination against payment of taxes, it is illegal; it is intolerable under any form of Government; and as a sincere well-wisher to the people themselves, and devoted to the cause which brought them together, I feel solicitous, on every account, to bring such proceedings to an end.

But, my Lords, it is for us to ponder these things well; they are material facts in our present inquiry. Under a system of real representation, in a country where the people possessed the only safe and legitimate channel for making known their wishes and their complaints, a Parliament of their own choosing, such combinations would be useless. Indeed, they must always be mere *brutum fulmen*, unless where they are very general; and where they are general, they both indicate the universality of the grievance and the determination to have redress. Where no safety-valve is provided for popular discontent, to prevent an explosion that may shiver the machine in pieces—where the people—and by the people, I repeat, I mean the middle classes, the wealth and intelligence of the country, the glory of the British name—where this most important order of the community are without a regular and systematic communication with the legislature—where they are denied the constitution which is their birthright, and refused a voice in naming those who are to make the laws they must obey—impose the taxes they must pay,—and control, without appeal, their persons as well as properties—where

they feel the load of such grievances, and feel too the power they possess, moral, intellectual, and, let me add, without the imputation of a threat, physical—then, and only then, are their combinations formidable; when they are armed by their wrongs, far more formidable than any physical force—then and only then, they become invincible.

Do you ask what, in these circumstances, we ought to do? I answer, simply our duty. If there were no such combinations in existence—no symptom of popular excitement—if not a man had lifted up his voice against the existing system, we should be bound to seek and to seize any means of furthering the best interests of the people, with kindness, with consideration, with the firmness, certainly, but with the prudence also, of statesmen. How much more are we bound to conciliate a great nation, anxiously panting for their rights—to hear respectfully their prayers—to entertain the measure of their choice with an honest inclination to do it justice; and if, while we approve its principle, we yet dislike some of its details, and deem them susceptible of modification, surely we ought, at any rate, not to reject their prayers for it with insult. God forbid we should so treat the people's desire; but I do fear that a determination is taken not to entertain it with calmness and impartiality. (Cries of *No! No!* from the Opposition.) I am glad to have been in error; I am rejoiced to hear this disclaimer, for I infer from it that the people's prayers are to be granted. You will listen, I trust, to the advice of my noble and learned friend,* who, with his wonted sagacity, recommended you to do as you would be done by. This wise and Christian maxim will not, I do hope, be forgotten. Apply it, my Lords, to the case before you. Suppose, for a moment, that your lordships, in your wisdom, should think it expedient to entertain

* Lord Plunkett.

some bill regulating matters in which this House alone has any concern, as the hereditary privileges of the Peerage, or the right of voting by proxy, or matters relative to the election of Peers representing the aristocracy of Ireland and Scotland, or providing against the recurrence of such an extraordinary and indeed unaccountable event as that which decided on the Huntingdon Peerage without a committee; suppose, after great exertions of those most interested, as the Scotch and Irish Peers, or this House at large, your lordships had passed it through all its stages by immense majorities, by fifty or a hundred to one, as the Commons did the Reform. (Cries of *No.*) I say an overwhelming majority of all who represented any body, all the members for counties and towns; but to avoid cavilling, suppose it passed by a large majority of those concerned, and sent down to the Commons, whom it only remotely affected. Well—it has reached that House; and suppose the members were to refuse giving your measure any examination at all, and to reject it at once. What should you say? How should you feel, think you, when the Commons arrogantly turned round from your request, and said—"Let us fling out this silly bill without more ado;—true, it regulates matters belonging exclusively to the Lords, and in which we cannot at all interfere without violating the law of the land; but still, out with it for an aristocratic, oligarchical, revolutionary bill, a bill to be abominated by all who have a spark of the true democratic spirit in their composition." What should you think if the measure were on such grounds got rid of, without the usual courtesy of a pretended postponement, by a vote that this Lords' Bill be rejected? And should you feel much soothed by hearing that some opposition Chesterfield had taken alarm at the want of politeness among his brethren, and at two o'clock in the morning altered the words, retaining their offensive sense—I ask, would such proceedings in the Commons

be deemed by your lordships a fair, just, candid opposition to a measure affecting your own seats and dignities only? Would you tolerate their saying,—"We don't mind the provisions of this Lords' Bill; we won't stop to discuss them; we won't parley with such a thing; we plainly see it hurts our interest, and checks our own patronage; for it is an aristocratic bill, and an oligarchical bill, and withal a revolutionary bill?" Such treatment would, I doubt not, ruffle the placid tempers of your lordships; you would say somewhat of your order, its rights, and its privileges, and buckle on the armour of a well-founded and natural indignation. But your wonder would doubtless increase, if you learnt that your bill had been thus contemptuously rejected in its first stage by a House in which only two members could be found who disapproved of its fundamental principles. Yes, all avow themselves friendly to the principle; it is a matter of much complaint, if you charge one with not being a Reformer; but they cannot join in a vote which only asserts that principle; and recognizes the expediency of some Reform. Yes, the Commons all allow your Peerage law to be an abomination; your privileges a nuisance; all cry out for some change as necessary, as imperative; but they, nevertheless, will not even listen to the proposition for effecting a change, which you, the most interested party, have devised and sent down to them. Where, I demand, is the difference between this uncourteous and absurd treatment of your supposed bill by the Commons, and that which you now talk of giving to theirs? You approve of the principle of the measure sent up by the other House, for the sole purpose of amending its own constitution; but you won't sanction that principle by your vote, nor afford its friends an opportunity of shaping its features, so as if possible to meet your wishes. Is this fair? Is it candid? Is it consistent? Is it wise? Is it, I ask you, is it at this time very prudent? Did the Commons act so by you

in Sir Robert Walpole's time, when the bill for restraining the creation of Peers went down from hence to that House? No such thing; though it afterwards turned out that there was a majority of 112 against it, they did not even divide upon the second reading. Will you not extend an equal courtesy to the bill of the Commons and of the people?

I am asked what great practical benefits are to be expected from this measure? And is it no benefit to have the Government strike its roots into the hearts of the people? Is it no benefit to have a calm and deliberative, but a real organ of the public opinion, by which its course may be known, and its influence exerted upon State affairs regularly and temperately, instead of acting convulsively, and as it were by starts and shocks? I will only appeal to one advantage, which is as certain to result from this salutary improvement of our system, as it is certain that I am addressing your lordships. A noble Earl* inveighed strongly against the licentiousness of the Press; complained of its insolence; and asserted that there was no tyranny more intolerable than that which its conductors now exercised. It is most true, that the Press has great influence, but equally true, that it derives this influence from expressing, more or less correctly, the opinion of the country. Let it run counter to the prevailing course, and its power is at an end. But I will also admit that, going in the same general direction with public opinion, the Press is oftentimes armed with too much power in particular instances; and such power is always liable to be abused. But I will tell the noble Earl upon what foundation this overgrown power is built. The Press is now the only organ of public opinion. This title it assumes; but it is not by usurpation; it is rendered legitimate by the defects of your Parliamentary

* Earl Winchelsea.

constitution; it is erected upon the ruins of real representation. The periodical Press is the rival of the House of Commons; and it is, and it will be, the successful rival, as long as that House does not represent the people—but not one day longer. If ever I felt confident in any prediction, it is in this, that the restoration of Parliament to its legitimate office of representing truly the public opinion will overthrow the tyranny of which noble Lords are so ready to complain, who, by keeping out the lawful sovereign, in truth, support the usurper. It is you who have placed this unlawful authority on a rock: pass the Bill, it is built on a quicksand. Let but the country have a full and free representation, and to that will men look for the expression of public opinion, and the Press will no more be able to dictate, as now, when none else can speak the sense of the people. Will its influence wholly cease? God forbid! Its just influence will continue, but confined within safe and proper bounds. It will continue, long may it continue, to watch the conduct of public men—to watch the proceedings even of a reformed legislature—to watch the people themselves—a safe, an innoxious, a useful instrument, to enlighten and improve mankind! But its overgrown power—its assumption to speak in the name of the nation—its pretension to dictate and to command, will cease with the abuse upon which alone it is founded, and will be swept away, together with the other creatures of the same abuse, which now "fright our Isle from its propriety."

Those portentous appearances, the growth of later times, those figures that stalk abroad, of unknown stature, and strange form—unions and leagues, and musterings of men in myriads, and conspiracies against the Exchequer; whence do they spring, and how come they to haunt our shores? What power engendered those uncouth shapes, what multiplied the monstrous births till they people the land? Trust me, the same

power which called into frightful existence, and armed with resistless force, the Irish volunteers of 1782—the same power which rent in twain your empire, and raised up thirteen republics—the same power which created the Catholic Association, and gave it Ireland for a portion. What power is that? Justice denied—right withheld—wrongs perpetrated—the force which common injuries lend to millions—the wickedness of using the sacred trust of Government as a means of indulging private caprice—the idiotcy of treating Englishmen like the children of the South Sea Islands—the phrensy of believing, or making believe, that the adults of the nineteenth century can be led like children, or driven like barbarians! This it is that has conjured up the strange sights at which we now stand aghast! And shall we persist in the fatal error of combating the giant progeny, instead of extirpating the execrable parent? Good God! Will men never learn wisdom, even from their own experience? Will they never believe, till it be too late, that the surest way to prevent immoderate desires being formed, ay, and unjust demands enforced, is to grant in due season the moderate requests of justice? You stand, my Lords, on the brink of a great event; you are in the crisis of a whole nation's hopes and fears. An awful importance hangs over your decision. Pause, ere you plunge! There may not be any retreat! It behoves you to shape your conduct by the mighty occasion. They tell you not to be afraid of personal consequences in discharging your duty. I too would ask you to banish all fears; but, above all, that most mischievous, most despicable fear—the fear of being thought afraid. If you won't take counsel from me, take example from the statesmanlike conduct of the noble Duke,* while you also look back, as you may, with satisfaction upon your own. He was told, and you were told, that the

* Wellington.

impatience of Ireland for equality of civil rights was partial, the clamour transient, likely to pass away with its temporary occasion, and that yielding to it would be conceding to intimidation. I recollect hearing this topic urged within this hall in July, 1828; less regularly I heard it than I have now done, for I belonged not to your number—but I heard it urged in the self-same terms. The burthen of the cry was—It is no time for concession; the people are turbulent, and the Association dangerous. That summer passed, and the ferment subsided not; autumn came, but brought not the precious fruit of peace—on the contrary, all Ireland was convulsed with the unprecedented conflict which returned the great chief of the Catholics to sit in a Protestant Parliament; winter bound the earth in chains, but it controlled not the popular fury, whose surge, more deafening than the tempest, lashed the frail bulwarks of law founded upon injustice. Spring came; but no ethereal mildness was its harbinger, or followed in its train; the Catholics became stronger by every month's delay, displayed a deadlier resolution, and proclaimed their wrongs in a tone of louder defiance than before. And what course did you, at this moment of greatest excitement, and peril, and menace, deem it most fitting to pursue? Eight months before you had been told how unworthy it would be to yield when men clamoured and threatened. No change had happened in the interval, save that the clamours were become far more deafening, and the threats, beyond comparison, more overbearing. What, nevertheless, did your lordships do? Your duty; for you despised the cuckoo-note of the season, "be not intimidated." You granted all that the Irish demanded, and you saved your country. Was there in April a single argument advanced, which had not held good in July? None, absolutely none, except the new height to which the dangers of longer delay had risen, and the increased vehemence with which justice was demanded; and yet

the appeal to your pride, which had prevailed in July, was in vain made in April, and you wisely and patriotically granted what was asked, and ran the risk of being supposed to yield through fear.

But the history of the Catholic Claims conveys another important lesson. Though in right and policy and justice, the measure of relief could not be too ample, half as much as was received with little gratitude when so late wrung from you, would have been hailed twenty years before with delight; and even the July preceding, the measure would have been received as a boon freely given, which, I fear, was taken with but sullen satisfaction in April, as a right long withheld. Yet, blessed be God, the debt of justice, though tardily, was at length paid, and the noble Duke won by it civic honours which rival his warlike achievements in lasting brightness—than which there can be no higher praise. What, if he had still listened to the topics of intimidation and inconsistency which had scared his predecessors? He might have proved his obstinacy, and Ireland would have been the sacrifice.

Apply now this lesson of recent history—I may say of our own experience, to the measure before us. We stand in a truly critical position. If we reject the Bill, through fear of being thought to be intimidated, we may lead the life of retirement and quiet, but the hearts of the millions of our fellow-citizens are gone for ever; their affections are estranged; we and our order and its privileges are the objects of the people's hatred, as the only obstacles which stand between them and the gratification of their most passionate desire. The whole body of the Aristocracy must expect to share this fate, and be exposed to feelings such as these. For I hear it constantly said, that the Bill is rejected by all the Aristocracy. Favour, and a good number of supporters, our adversaries allow it has among the people; the Ministers, too, are for it; but the Aristocracy, say they, is strenuously opposed

to it. I broadly deny this silly, thoughtless assertion. What, my Lords! the Aristocracy set themselves in a mass against the people—they who sprang from the people—are inseparably connected with the people—are supported by the people—are the natural chiefs of the people! *They* set themselves against the people, for whom Peers are ennobled—Bishops consecrated—Kings anointed—the people to serve whom Parliament itself has an existence, and the Monarchy and all its institutions are constituted, and without whom none of them could exist for an hour! The assertion of unreflecting men is too monstrous to be endured—as a Member of this House, I deny it with indignation. I repel it with scorn, as a calumny upon us all. And yet there are those who even within these walls speak of the Bill augmenting so much the strength of the democracy, as to endanger the other orders of the State; and so they charge its authors with promoting anarchy and rapine. Why, my Lords, have its authors nothing to fear from democratic spoliation? The fact is, that there are Members of the present Cabinet, who possess, one or two of them alone, far more property than any two administrations within my recollection; and all of them have ample wealth. I need hardly say, I include not myself, who have little or none. But even of myself I will say, that whatever I have depends on the stability of existing institutions; and it is as dear to me as the princely possessions of any amongst you. Permit me to say, that, in becoming a member of your House, I staked my all on the aristocratic institutions of the State. I abandoned certain wealth, a large income, and much real power in the State, for an office of great trouble, heavy responsibility, and very uncertain duration. I say, I gave up substantial power for the shadow of it, and for distinction depending upon accident. I quitted the elevated station of representative for Yorkshire, and a leading member of the Commons. I descended from

a position quite lofty enough to gratify any man's ambition; and my lot became bound up in the stability of this House. Then, have I not a right to throw myself on your justice, and to desire that you will not put in jeopardy all I have now left?

But the populace only, the rabble, the ignoble vulgar, are for the Bill! Then what is the Duke of Norfolk, Earl Marshall of England? What the Duke of Devonshire? What the Duke of Bedford? (Cries of *Order* from the Opposition.) I am aware it is irregular in any noble Lord that is a friend to the measure; its adversaries are patiently suffered to call Peers even by their christian and surnames. Then I shall be as regular as they were, and ask, does my friend John Russell, my friend William Cavendish, my friend Harry Vane, belong to the mob, or to the Aristocracy? Have they no possessions? Are they modern names? Are they wanting in Norman blood, or whatever else you pride yourselves on? The idea is too ludicrous to be seriously refuted;—that the Bill is only a favourite with the democracy, is a delusion so wild as to point a man's destiny towards St. Luke's. Yet many, both here and elsewhere, by dint of constantly repeating the same cry, or hearing it repeated, have almost made themselves believe that none of the nobility are for the measure. A noble friend of mine has had the curiosity to examine the list of Peers, opposing and supporting it, with respect to the dates of their creation, and the result is somewhat remarkable. A large majority of the Peers, created before Mr. Pitt's time, are for the Bill; the bulk of those against it are of recent creation; and if you divide the whole into two classes, those ennobled before the reign of George III., and those since, of the former, fifty-six are friends, and only twenty-one enemies of the Reform. So much for the vain and saucy boast, that the real nobility of the country are against Reform. I have dwelt upon this matter more than its intrinsic importance deserves,

only through my desire to set right the fact, and to vindicate the ancient Aristocracy from a most groundless imputation.

My Lords, I do not disguise the intense solicitude which I feel for the event of this debate, because I know full well that the peace of the country is involved in the issue. I cannot look without dismay at the rejection of the measure. But grievous as may be the consequences of a temporary defeat—temporary it can only be; for its ultimate, and even speedy success, is certain. Nothing can now stop it. Do not suffer yourselves to be persuaded, that even if the present Ministers were driven from the helm, any one could steer you through the troubles which surround you, without Reform. But our successors would take up the task in circumstances far less auspicious. Under them, you would be fain to grant a Bill, compared with which, the one we now proffer you is moderate indeed. Hear the parable of the Sybil; for it conveys a wise and wholesome moral. She now appears at your gate, and offers you mildly the volumes—the precious volumes of wisdom and peace. The price she asks is reasonable; to restore the franchise, which, without any bargain, you ought voluntarily to give: you refuse her terms—her moderate terms,—she darkens the porch no longer. But soon, for you cannot do without her wares, you call her back;—again she comes, but with diminished treasures; the leaves of the book are in part torn away by lawless hands,—in part defaced with characters of blood. But the prophetic maid has risen in her demands—it is Parliaments by the Year—it is Vote by the Ballot—it is Suffrage by the Million! From this you turn away indignant, and for the second time she departs. Beware of her third coming; for the treasure you must have; and what price she may next demand, who shall tell? It may even be the mace which rests upon that woolsack. What may follow your course of obstinacy, if persisted in, I cannot take

upon me to predict, nor do I wish to conjecture. But this I know full well, that, as sure as man is mortal, and to err is human, justice deferred enhances the price at which you must purchase safety and peace; —nor can you expect to gather in another crop than they did who went before you, if you persevere in their utterly abominable husbandry, of sowing injustice and reaping rebellion.

But among the awful considerations that now bow down my mind, there is one which stands pre-eminent above the rest. You are the highest judicature in the realm; you sit here as judges, and decide all causes civil and criminal, without appeal. It is a judge's first duty never to pronounce sentence, in the most trifling case, without hearing. Will you make this the exception? Are you really prepared to determine, but not to hear the mighty cause upon which a nation's hopes and fears hang? You are. Then beware of your decision! Rouse not, I beseech you, a peace-loving, but a resolute people; alienate not from your body the affections of a whole empire. As your friend, as the friend of my order, as the friend of my country, as the faithful servant of my Sovereign, I counsel you to assist with your uttermost efforts in preserving the peace, and upholding and perpetuating the Constitution. Therefore, I pray and I exhort you not to reject this measure. By all you hold most dear,—by all the ties that bind every one of us to our common order and our common country, I solemnly adjure you,—I warn you,—I implore you,—yea, on my bended knees, I supplicate you—Reject not this Bill!

SPEECH

ON

MOVING THE SECOND READING OF THE BILL TO AMEND

THE POOR LAWS.

SPEECH ON

THE POOR LAWS.

HOUSE OF LORDS—JULY 21, 1834.

MY LORDS,—I approach a subject of paramount importance and of vast magnitude—and one of which the difficulty in principle and the complexity in detail, are, at the least, on a level with its importance. And I have not now, as oftentimes has been my lot in this House, the satisfaction of knowing that the subject of this Bill has gained the same favour among the people of this country at large, as in the case of other reforms, whether political or legal, which I have propounded to your lordships. They are, generally speaking, more indifferent to the subject than their own near interest in it, and intimate connexion with its evils, might make it both probable and desirable that they should be. I am sensible that they do not buoy up with their loud approbation those who patronize the great measure to which I am about to solicit your attention; and though they have manfully and rationally resisted all the attempts that have been made to pervert their judgments, and lead them to join in a clamour adverse to the plan, yet are they, in a great degree, indifferent to its extent and to its interest. I am quite aware that they are not against it—nay, that the obloquy which is in store for those who support it, will proceed from but a very small portion of the community. But my Lords, if this proportion were reversed—if there were as much clamour against this measure as some

individuals would fain excite—individuals of great ability, of much knowledge, and I will add, well-earned influence over public opinion on political matters, but more especially on ephemeral topics, or questions which rise into notice from day to day, and as speedily sink into oblivion—individuals acting from good motives I doubt not, from feelings wrongly excited, and taking a false direction, though in their origin not discreditable to those who cherish them—if those efforts had been as successful as they have manifestly, notoriously, and most honourably to the good sense of the people of England, failed utterly in raising almost any obloquy at all—I should have stood up in my place this day, propounded this measure, and urged in its behalf the self-same arguments which I am now about to address to the calm deliberate judgment of this House, perverted by no false feeling, biassed by no sinister views of self-interest, and interrupted by no kind of clamour from without; and I now address those arguments as I then should have done to the people out of the House, with this only difference, that the same arguments would have been urged, the same legislative provisions propounded, and the same topics addressed to a less calm, less rational, and less deliberative people, than I shall now have the satisfaction of appealing to. My Lords, I should have been unworthy of the task that has been committed to my hands, if by any deference to clamour I could have been made to swerve from the faithful discharge of this duty. The subject is infinitely too important, the interests which it involves are far too mighty, and the duty correlative to the importance of those interests, which the Government I belong to has to discharge, is of too lofty, too sacred a nature, to make it possible for any one who aspires to the name of a statesman, or who has taken upon himself to counsel his sovereign upon the arduous concerns of his realm, to let the dictates of clamour find any access to his breast, and make him sacrifice his principles to a

covetousness of popular applause. I fully believe that they will best recommend themselves, as, even from the first outset, to the rational part of their reflecting fellow-countrymen, so in the end to the whole community, including such as at first may be less able to exercise their judgment calmly upon the merits of the question —they will best recommend themselves to the unanimous approval, and to the late though sure gratitude of the country at large, who shall manfully carry through, with the aid of your lordships, a system of provisions which, in my conscience, I believe to be the most efficacious, the least objectionable in point of principle, to sin the least against any known rule of polity or of the constitution, and at the same time to afford the nearest and surest prospect of any that ever yet has been devised for terminating evils, the extent of which, at the present moment, no tongue can adequately describe, the possible extent of whose consequences not very remote, no fancy can adequately picture—evils which bad laws, worse executed—which the lawgiver, outstripped in his pernicious course by the administrators—have entailed upon this country—which, while they bid fair to leave nothing of the property of the country that can be held safe, so leave nothing in the industry of the country that can be deemed secure of its due reward—nothing in the character of the country that can claim for it a continuance of the respect which the character of the English peasant always in older times commanded, and which with the loss of that character, the multiplication of miseries, and the increase of every species of crime, has brought about a state of things in which we behold industry stripped of its rights, and the sons of idleness, vice, and profligacy, usurping its lawful place—property no longer safer than industry—and—I will not say an agrarian law, for that implies only a division of property, but—the destruction of all property—as the issue of the system that stares us, and at no great distance, in the face; a

state of things, in fine, such, that peace itself has returned without its companion plenty, and in the midst of profound external tranquillity, and the most exuberant blessings of the seasons ever showered down by Providence, the labourer rebels, disturbances prevail in districts never before visited by discontent, and everything betokens the approach of what has been termed an Agrarian War. Such is the state to which matters are now come, and such are the results of that pernicious system which you are now called upon to remedy by the great measure to a certain degree matured—at all events carefully prepared—for your deliberations, by the other House of Parliament, and now tendered for your approval.

My Lords, there is one thing of unspeakable importance, and which gives me the greatest consolation. I feel an intimate persuasion that we are now no longer involved in a political, factious, or even in the milder sense of the word, party discussion; but that we are met together as if we were members of one association, having no conflicting feelings to divide its measures, no knots of men banded one against the other, and where no private feeling will be suffered to interfere. This is an encouragement to me personally, and it augurs most auspiciously for the cause. I may assume that almost all of you have a sufficient knowledge of the existing Poor Laws; many from experience of their operation, others from the exposition of them in the statute book, and others from having refreshed their recollection by the very able report of the Commissioners. I may, therefore, take for granted that it would be wholly superfluous to enter into any description of the mechanism of the present system. But I should wish, before I state the kind of mischief that the mal-administration of the poor law has produced, shortly to glance at what is material,—not as a matter of curiosity merely, but as enabling us more clearly to trace the origin of the mischief,—I mean the origin of

the Poor Law itself, and the steps by which its administration has become so pernicious.

It is certainly not quite correct to say, as has frequently been asserted, that these laws grew out of the destruction of the Monastic orders, and the seizure of their property by Henry VIII.; but it is still more incorrect to deny that there was any connexion whatever between the two events; for undoubtedly, though the passing of the 43d of Elizabeth followed the seizure of Monastery lands by an interval of above sixty years, yet it is equally true that it was not twenty years after the abolition of those Monasteries that the first poor law, the earliest compulsory provision for the poor, was enacted; being the 5th of Elizabeth. When I make this observation, I must add another connected with it, and remind your lordships of an argument used against the Church Establishment, and the tithe system, as connected with the Poor Laws. It is said that, according to the original division of tithes, one-fourth belonged to the bishops, one-fourth to the parson, one-fourth to the repair of the church, and the remaining fourth to the poor. That is a mistake which Selden and others have fallen into, from not having examined with care the provisions of the Saxon law, according to which it was a tripartite, and not a quadripartite division;—one-third going to the fabric of the church, one-third to the parson, and one-third to the poor. I grant that this was the original distribution of the tithe; and I also admit that in much later times, as far down as the 15th of Richard II., this right of the poor was recognized by Parliament; for in that year an act passed which in terms admitted the right of the poor to sustentation out of this fund. I admit, too, that still later, in the reign of Elizabeth, the Judges of the land recognized the same right, and that other cases are to be found decidedly in favour of this principle—one of the Judges of that day quaintly observing, that it is the business of the parson, *Pascere gregem, verbo*

exemplo, cibo. Indeed, your lordships will find both the Courts and Parliament, as late as the reign of George III., recognizing the claims of the poor against the parson, grounded upon the same principle. It is, however, past all doubt that a provision for the poor out of the tithe never was distinctly and practically established as their right, beyond their claims to receive charity at the hands of the parson, or other owner of the property; and it is equally past all doubt that they are most superficial reasoners on the subject, who maintain that the restoration to the poor of their share in the tithe, would, if it were possible, at once settle the question, and extinguish the miseries entailed by the Poor Laws. For most certain it is, that anything more mischievous, anything more fatal to the country, anything more calculated to multiply, indefinitely, the numbers of the poor, cannot be conceived than the applying to them any regular and fixed provision, be it tithe or be it tax, which they can claim at the hands of the rich, except by the force of that duty of imperfect obligation—private charity, which is imposed upon all men. Every permanent fund set apart for their support, from whencesoever proceeding, and by whomsoever administered, must needs multiply the evils it is destined to remedy. This right to share in a fixed fund is the grand mischief of the Poor Laws, with the seeds of which they were originally pregnant, though certainly many years elapsed after the principal statute —that of the 43d of Elizabeth—was made, before any great amount of positive evil can be said to have rendered itself perceptible in the community at large. As long as it was supposed that the law applied only to the impotent, to those who came within the description of old age, worn-out faculties in body and mind, or persons disabled by any accidental cause, and not to able-bodied persons—so long, it must be admitted that, if the law was not an advantage, at all events it proved to be no detriment whatever. But by the construction

not unnaturally put upon the unfortunate words in the Act, requiring the overseer "to take order for setting the poor to work"—a construction which, at the same time, conveyed to the pauper the right of calling into action this power, in other words, of compelling the parish "to find work for the pauper, and if work could not be found, to feed him," all self-reliance, all provident habits, all independent feelings, were at an end; and consequences the most pernicious speedily followed to the community, as well as to the poor themselves—consequences more pernicious, I will venture to say, than ever flowed from the enactment or from the construction of any other human law. I blame not those who imposed this construction. It is, for anything I know, a sound one; the clause must have some meaning, and this seems very likely to be the true one; for if the pauper is clothed with a right to have work found him, as the overseer cannot create work, it seems to follow that he must feed those whom he cannot employ. But, pernicious as these inevitable consequences were, worse were sure to follow in the shape of new laws, grounded on the same principle, and developing more noxiously its evil effects. Accordingly, in the year 1796, that Act was passed, which gave the poor—those that were called the industrious poor—a right, by law, to be supported out of the parish rates, at their own dwellings, and to receive that support, although the parish should have actually contracted and paid for their maintenance in a workhouse hired and established according to the provisions of the Act for their reception in the day of their distress.

My Lords, it has been usual to blame the magistrates of the country for the mal-administration of these laws. I am not one of those who ever have been able to perceive the justice of this charge. I have never felt that we had any right to hold them peculiarly responsible, or, indeed, in the midst of universal error, to tell who were answerable for the mischief we all acknowledged

to exist. The worst that can be said of those respectable persons, to whom the country is so greatly indebted, and of whose services I should speak more at large if I had not the honour of addressing an assembly almost wholly composed of magistrates, is, that in bringing forth by the administration of the Poor Laws, the grievous mischiefs inherent originally in the system, they were not before the age they lived in; that they were not wiser than all who had gone before them, and all who lived around them, and, indeed, all who, for one or two generations, have come after them. This is the only charge that can be justly made against them. It would be condemning them for a want of more than human sagacity, were we to charge them with the consequences of their conduct, pursuing, as they did, the opinions of the most learned jurists and most experienced statesmen, while occupied with the details of the system which they were engaged in working. The truth is, that in all they did, magistrates have had the countenance of the first authorities in the country; they have had the entire approval and even concurrence of the Legislature to support them; they have had the decisions of the Judges to back, and even to guide them. As often as questions have been raised relative to the administration of these laws, the Courts have never, in any one instance, applied themselves to lessen the mischief, by narrowing the liberal construction which the magistrates had put upon the statutes, but have uniformly decided, so as to give them yet larger scope. That they have erred, then, in such company as the legislative and judicial powers of the country, is to be regarded with neither wonder nor blame. But the magistrates have had equal countenance from the names of eminent individuals, some of them the most distinguished that this land can boast of, and who, upon the question of relief to the poor, have entertained projects more liberal, nay, I will say more extravagant—more absolutely wild, than any that

the most liberal magistrates of this country ever contemplated. What think you, my Lords, I will not say of Mr. Gilbert's Act, but of the measure proposed in 1795 by Mr. Pitt—a man thoroughly versed in all the details of the subject, and well acquainted, as might have been supposed, with the best practical policy to be pursued regarding it? What marvel is it to find country Justices holding that the poor man has a right to be made comfortable in his own dwelling, when Mr. Pitt introduced a bill (happily it did not pass into a law) for legalizing the allowance system, that greatest bane of the administration of the Poor Laws, and for sanctioning the principle that every poor man has a right to be made comfortable in his own dwelling—himself and his family, and to be furnished "with a cow, or a pig, or some other animal yielding profit" (I cite the words of the Act) to be provided in proportion to the number of his children? Assuredly the author of this famous project was not much more in advance of his age than the Justices of the Peace. Such principles as Mr. Pitt thus plainly held on the subject, have been the cause of the ruin we now all deplore. Surely if ever there was a doctrine more frantic in principle than another, or less likely to prove safe in its appliances, it must be this,—that in defiance of the ordinary law of nature, the human lawgiver should decree, that all poor men have a right to live comfortably, assuming to himself the power of making every one happy, at all times—in seasons of general weal or woe, and proclaiming with the solemnity of a statute, "Henceforth let human misery cease, and every man, woman, and child, be at ease in the kingdom of England, and dominion of Wales, and town of Berwick-upon-Tweed." But it is fair to Mr. Pitt to recollect that these absurd doctrines were not entertained by him alone—he shared them with many of his contemporaries.

Secure, however, from these errors, let us now see what the true principle was all the while, and whether

or not the Poor Laws, as at present administered, sin against that principle or conform to it. First of all, I am aware that I may be charged with stating an identical proposition when I state to your lordships the fundamental rule which ought to regulate both the Legislature and those whom it intrusts with the administration of the poor laws, namely, that men should be paid according to the work they do—that men should be employed and paid according to the demand for their labour, and its value to the employer—that they who toil should not live worse than those who are idle, and that the mere idler should not run away with that portion which the industrious workman has earned. All this appears about as self-evident as if a man were to say two and two make four, and not fourteen. Nevertheless this is the very principle—identical as it is—truism, idle truism, as it may well be called—useless and superfluous as the uttering of it may seem to be—this obvious principle—this self-evident proposition—is that very principle against which the whole administration of the Poor Laws at present sins,—constantly, wilfully, deliberately sins. At every instant, by day and by night, during bad weather and during good, in famine and in plenty, in peace and in war, is this principle outraged, advisedly, systematically, unremittingly outraged, without change, or the shadow of turning. But it is said that although no man has a right to food which he does not earn, and though the idler has no right to make his neighbour work for him, still there are times when the rule must bend to necessity, and that persons in sickness or in old age, or in impotence of body or mind, must be supported, lest they perish before our face. And this leads me to the subject of charity, intimately connected with the Poor Laws; for that the support of the sick, the aged, and the impotent, should be left to private charity, is, in the view of many, the sounder opinion. I incline to think that it is the safer course—that it is better for him who

receives—blessing him more, and also him who gives. But into this question I need not now enter, for it is not necessarily involved in the present argument; and I do not object to compulsory provision in such cases as I have mentioned, so it be subject to proper regulation, in order to prevent the abuses it is much exposed to. But I must observe, even upon the subject of individual charity,—charity not administered by the State, or through the hands of parish-officers,—that I hold this doctrine undeniably true. That species of charity is the least safe which affords a constant fund, known by the community to exist for charitable purposes. As long as the existence of such a fund is notorious, whether raised by the compulsory provisions of the law, or owing its origin and support to the warmth of men's charitable feelings, its existence leads, of necessity, to two consequences, pernicious to all parties, to the giver as well as the receiver, to the State as well as to individuals. First, it can hardly avoid being abused from the kindly feelings of those who administer it (and this applies to a parish fund still more strictly, for it is more liable to abuse). The private manager cannot trust his own feelings—the overseer cannot trust his own feelings. Out of this infirmity of our nature, abuses are quite certain to arise. The second consequence is this, and I regard it as the worse evil—if the fund is known to exist, however it be constituted, whether by voluntary or by compulsory subscription, the poor immediately calculate upon it, and become less provident, forsaking every habit of frugality, taking no care to provide against the ordinary calamities of life, or the inevitable infirmities of old age. They no longer strive for the means of maintaining their children, but heedlessly, recklessly, count upon that fund, out of which, whether in sickness or in health, in youth or in age, in impotence or in vigour, they know that they may claim the means of support; and, setting the pain of labour against that of a scanty

sustenance, they prefer idleness and a bare subsistence to plenty earned by toil. Hence men's minds become habituated to the fatal disconnexion of livelihood and labour, and ceasing to rely upon their own honest industry for support, their minds become debased as their habits are degraded. Were I not afraid of fatiguing your lordships with a discourse wearing too much of a didactic air, I could easily prove that this is the practical result of the too extensive and unreflecting distribution of charity.

I will, however, trouble your lordships with one remark upon this matter. I am well aware that I am speaking on the unpopular side of the subject; but it is, nevertheless, necessary that the truth should be told. The safest, and perhaps the only perfect charity, is an hospital for accidents or violent diseases, because no man is secure against such calamities—no man can calculate upon, or provide against them; and we may always be sure that the existence of such an hospital will in no way tend to increase the number of patients. Next to this, perhaps, a dispensary is the safest; but I pause upon that if I regard the rigour of the principle, because a dispensary may be liable to abuse, and because, strictly speaking, sickness is a thing which a provident man should look forward to, and provide against, as part of the ordinary ills of life; still I do not go to the rigorous extent of objecting to dispensaries. But when I come to hospitals for old age,—as old age is before all men,—as every man is every day approaching nearer to that goal,—all prudent men of independent spirit will, in the vigour of their days, lay by sufficient to maintain them when age shall end their labour. Hospitals, therefore, for the support of old men and women, may, strictly speaking, be regarded as injurious in their effects upon the community. Nevertheless, their evil tendency may be counterbalanced by the good they do.

But the next species of charity to which I shall refer,

is one which sins grievously against all sound principle —I mean hospitals for children, whether endowed by the public, or by the charity of individuals. These, with the exception of orphan hospitals, are mere evils; and the worst of all is a foundling hospital. To show how much we have improved in these matters—how much better informed we have become—how much more enlightened—how much less apt to be carried away by feelings, amiable in themselves, but in their effects mischievous, unless regulated by knowledge and wisdom, I need only mention that what was once reckoned the great ornament of this city—the Foundling Hospital in Guilford Street—is no longer a foundling hospital at all; having, by the rules in force for the last sixty or seventy years, never received one single foundling, properly so called, within its walls. The same improvement was effected by my Right Honourable friend, the President of the Board of Control,* with respect to the Foundling Hospital in Dublin, when he filled the office of Secretary for Ireland. Any hospital for the reception of foundlings is the worst of charities: it is no charity—it is a public nuisance, and ought to be stripped of the title of charity, and put down as an outrage on public morals. So all now allow; but fifty years ago no man would have dared to say so. Can we doubt that in much less than half a century more, all those other principles now made the butt of low ignorant abuse, will be the admitted guide and belief of every member of the community?†

If such as I have stated be the rules which the public safety prescribes for regulating even voluntary charities, only see how the Poor Laws of this country violate rules a thousand times more applicable to the raising

* Mr. Charles Grant (now Lord Glenelg).

† Lord Brougham having been attacked for these opinions as taken up to defend the Bill, observed some days later that he had laid down the same doctrine in nearly the same words sixteen years before, in his published Letter to Sir S. Romilly.

and dispensing of a compulsory provision! They have succeeded in wholly disconnecting the ideas of labour and its reward in the minds of the people—they have encouraged the idle and the profligate, at the expense of the honest and industrious—they have destroyed the independence of the peasant, and made him the creature of a pernicious and forced charity—they have given him the degradation of a beggar, without the consolation with which benevolence soothes the lot of mendicity. Parish allowance is far worse than any dole of private charity, because it is more likely to be abused—because it is more certain in its nature—because it is better known, more established—because it approaches, in the mind of the poor, to the idea of a right. This terrible system has led, amongst other evil consequences, to the Act of 1796, which provided for the relief of the poor in their own houses, and was, in fact, the introduction of the allowance scheme—a scheme which provided for the partial payment of wages out of the Poor Rates, and which, in its operation, has been productive of all the worst mischiefs that might have been expected from such a source. The allowance system had its rise in the scarcity of 1795, and was more widely spread by the subsequent scarcity of 1800 and 1801, since which, in many parts of the kingdom, it has been permanently adopted.

For a compulsory provision to support the poor who are able-bodied, but cannot find, or are not very anxious to find employment, I have known only two excuses ever attempted, and to these it may be fit that I should now very shortly advert. The first is one which I remember hearing strenuously urged by one or two very worthy friends of mine, Members of the House of Commons. They maintained that the system kept up the character of the labourers, prevented their becoming the mere beggars of alms, and enabled them to receive their allowance with the erect port and manly aspect of those who felt they were claiming their due under the law.

Never, surely, was there a greater delusion. The system has ended in the destruction of all independent character in the English peasant. It is true that he comes to demand his allowance with an erect port, but it is not the bearing of independence; his habits, his feelings, the whole bent of his mind, the whole current of his thoughts are changed. It was deemed aforetime a shame such as no man could bear, to be dependent upon parochial aid—the name of "pauper" coming next, in the estimation of the peasant, to that of "felon." It is so no longer—no longer is it thought a scandal in the labourer to claim relief from the parish—no longer does it inflict a pang upon his mind to darken the overseer's door. No doubt he comes with a firm gait, with a manly air; but rather let us say, he comes with a sturdy gait and a masterful air. He presumes to domineer over the honest and hard-working rate-payer, and the servant of the rate-payer —the overseer—whom he insults and tramples upon. Secure in the protection of the law, he demands his allowance not as a man, but as a master; his tone is imperative, for he knows he must be obeyed. Such a system deadens all sense of shame—all sense of real dignity; erases from the mind every feeling of honourable independence, and fits its victims only for acts of outrage or of fraud.

Let us pass, then, to the second topic of defence, and I speak of this argument with great respect, because it proceeds from persons who are the advocates of pure and strict principles in political science, and who are accustomed to carry them to an extravagant excess, sometimes straining them till they crack. These learned persons argue (if I so may speak), that the Poor Laws afford the only means we have of effectually checking or preventing an increase of population. They say, that whilst there is no possibility of preventing by law improvident marriages amongst the poor (and I admit there is none), the Poor Laws furnish a preven-

tive check. But are those respectable persons really so short-sighted as not to perceive that whatever little check the Poor Laws in one view may interpose, is immeasurably counterbalanced by their affording the greatest stimulus to population which the wit of man could devise—the most wilful and direct encouragement that possibly could have been discovered to improvident marriages? I verily think that the history of human errors can produce no parallel to the mistake into which these learned and ingenious persons have fallen. If you had to seek out the most efficacious means of removing every prudential check to population—nay, if you wished to accelerate its march by a wilful, I might almost say a wicked encouragement to heedless and imprudent marriages, and by a premium for numbers of children—you could not devise any more perfect than are afforded by the Poor Laws, as administered in this country. What is the language they speak to the peasant?—"Here is a fund at your command—you have only to marry—only to get children—and here is a fund for the support of yourselves and your children, to be doled out in proportion to their numbers."—The answer of the peasant is in the same language,—"I am a prior mortgagee on the land, and will marry to-morrow, instead of waiting till I have the means of supporting a family."

These excuses for the system and the mal-administration of the existing Poor Laws being disposed of, let us now proceed to see what have been the actual results. And upon this part of the subject I shall have to call your lordships' attention to a most meritorious body of men—the Commissioners—and to the result of their invaluable labours—the collection of a mass of evidence, the largest, the most comprehensive, the most important, and the most interesting, that perhaps was ever collected upon any subject. But before I go to that part of the subject—before quitting the subject of population—may I step aside for one moment, and do

justice to a most learned, a most able, a most virtuous individual, whose name has been mixed up with more unwitting deception, and also with more wilful misrepresentation, than that of any man of science in this Protestant country, and in these liberal and enlightened times. When I mention talent, learning, humanity—the strongest sense of public duty, the most amiable feelings in private life, the tenderest, and most humane disposition which ever man was adorned with—when I speak of one the ornament of the society in which he moves, the delight of his own family, and not less the admiration of those men of letters and of science amongst whom he shines the first and brightest—when I speak of one of the most enlightened, learned, and pious ministers whom the Church of England ever numbered amongst her sons—I am sure every one will apprehend that I cannot but refer to Mr. Malthus. The character of this estimable man has been foully slandered by some who had the excuse of ignorance, and by others, I fear, without any such palliative, and simply for having made one of the greatest additions to political philosophy which has been effected since that branch of learning has been worthy of the name of a science.

But I was about to call your lordships' attention to the practical working of the system, for the purpose of ascertaining how it is hurtful, and what direction its mischief takes. There has been, in my opinion, no more important event in the recent history of this country than the issuing of the Poor Law Commission. I certainly was one of those who at first thought that the documents already possessed, and especially the evidence which had been collected by both Houses of Parliament, afforded a sufficient body of facts on which to proceed. Upon a closer examination, however, of the various reports that had been made, and knowing, from experience, how much it is the practice of those who are examined before committees to propound some

favourite theory of their own, and give only such results of their observation and experience as support their views—knowing, too, how impossible it must be for a committee to compare the working of different plans by actual observation upon the spot—I acquiesced in the propriety of issuing a Commission, and the result amply justifies the measure; for I will venture to say, that no man who has read these reports can refuse to admit, that all he before knew of the subject in its details, was as nothing in the comparison.

It does not become me to occupy your lordships in bestowing praises upon the ability and zeal with which the Commissioners have performed their important office. Their Report is before you. I believe that no better individuals could be selected for the discharge of those important duties than the persons first named in the Commission—the two Right Rev. Prelates, whose absence on this occasion—occasioned by their necessary attendance to their episcopal duties—I have so much reason to lament. Another Commissioner was Mr. Sturges Bourne, than whom no person can be pointed out more conversant with the subject. His knowledge, too, is practical—not theoretical; he has applied his well-informed mind to the consideration of the whole question—was the author of the only legislative measures which have ever professed to find a remedy for the evil—while, beside his talents and learning, for calmness of temper, and for sagacity and soundness of judgment, he was, perhaps, better adapted than almost any other person to join this Commission. When I add to these the names of Mr. Senior,—a man of profound learning and great capacity,—and Mr. Coulson, Mr. Bishop, and Mr. Chadwick, the other able individuals who formed the Board, your lordships will feel with me, that from the labours of a body of men so composed, the most satisfactory results might surely be expected. Most of them I before knew, but Mr. Chadwick I never had seen, nor have I now more

than once or twice; but I confess I have risen from the perusal of his papers—admirable in all respects for excellence of composition, strength of reasoning, soundness of judgment, and all that indicates the possession of every species of talent,—I say I have risen from the perusal with a degree of admiration that I find it difficult either to suppress or to describe. Such are the men who have well and truly performed the duties imposed upon them. Their Reports, large in bulk, but larger still in comprehensive reach of understanding and information—interesting in the narrative but painful—almost excruciating in the tale they tell—no man can read without entertaining the sanguine hope, that for ills so enormous the remedy may at length be within our power. I think, however, I shall render a more acceptable service to your lordships, if, instead of entering into a minute statement of these sad details, I confine myself to a general outline of the facts; presenting to you, if I can, a graphic sketch of the malady that exists, and pointing to the quarter from which you may expect a cure.

First, then, we have a constant, and I may say almost a regular proof, in every part of the country, in districts agricultural, manufacturing, and even commercial, and whether the people are superabundant or scarce, increasing, stationary, or diminishing in numbers, that able-bodied men prefer a small sum in idleness to a larger sum in wages, attended with the condition of earning those wages by labour. We have in one place a young man saying, "I have 3s. 6d. a-week from the parish,—I do not work,—I have no need to labour; I would rather have my 3s. 6d. without working, than toil to get 10s. or 12s. a-week." This is not a singular instance. But are these persons only idle? Are they really doing nothing? Do they receive 3s. 6d. and remain inactive? Do they work no mischief? My Lords, it is idle in me to put such questions. These persons are making the parish

pay 3s. 6d. a-week, out of the honest labourer's hard earnings, to maintain the constant promoters of crime, the greatest workers of mischief in the country; men who, when they happen not to be the ringleaders, are the ready accomplices and followers in every depredation, every outrage that is perpetrated in their neighbourhood. But those facts are not confined to agricultural districts, or to inland places, and to lazy rustics. Look to the hardy sailor, who never used to know what danger was—look to the very boatmen of the Kentish coast—they who formerly would rush to a wreck without looking to the waves any more than to the reward—who would encounter the most appalling perils to save a life, with as much alacrity as they would dance round a May-pole, or run a cargo of smuggled goods, in the midst of tempest or in the teeth of the preventive service—those men who, if you had ever said, in former times, "Surely you do not mean to launch your boat at this tempestuous time of year?" would answer by instinct, "Time of year!—we take no count of seasons—by our boats we live: from the sea, in winter as in summer, we must seek our sustenance; fair weather or foul, our vessels must be afloat, else how could we keep our families from the parish?" No such answer will you get now. The same spirit of honest and daring independence inflames them no more. "We have 12s. a-week from the parish," say the Kentish sailors; "we will go out no longer in winter—we will wait for summer and fair weather—we will live at home the while, for the parish fund provides us." Comment upon such facts is superfluous. But the same classes now assume that they who live upon the parish have a right not only to work as little as the independent labourer, but not to work so hard. They have in many places distinctly set up this claim; and in one or two instances appeals have actually been made by the paupers against the overseers, upon the ground that the latter had attempted, as they say, "a

thing till then unknown in these parishes, to make the paupers work the same number of hours in the day as the independent labourers, who receive no parochial assistance." These are things which almost force incredulity; but when we see them proved by evidence which admits of no doubt, belief is extorted from us.

The next general fact which presents itself to our view is, that as those persons claim a right to work less than they who receive no parish relief, so they are generally better off, and, in many instances, much better off, than the independent labourer. The disproportion, in some parts of the country, and especially in the county of Sussex and the Isle of Wight, has gone so far, that a pauper working only for a limited number of hours in the day, earns 16s. a-week of the parish money, whilst the honest labourer, who has struggled to keep himself independent of the parish, has not been enabled, by his utmost exertion, to earn, by any possible means, more than 12s. a-week. And in one parish it appears that two hundred and forty paupers, who were paid exactly the same wages as independent labourers, were dissatisfied because they were required to work the same number of hours, and grumbled because they were not paid more. Nay, they did not confine themselves to grumbling—they struck work, sought the overseer, and almost by force obtained an increase of wages; that is to say, they compelled the parish to give them more than the ordinary amount of wages paid to independent workmen. Then it is needless to say that the parish pauper regards himself independent of fair weather or foul, of bad health or good, of the full harvest or scanty crop, of all the calamities to which the rest of mankind are subject. Again: all shame of begging is utterly banished—the pauper glories in his dependence—if, indeed, he does not consider the land as his own, and its nominal proprietor as his steward. Nay, instances are to be found of

the shame being, by a marvellous perversion of feeling, turned the other way; and the solitary exception to the rule of parish relief under which a whole hamlet lived, "being shamed," as a female said, "out of her singularity, and forced by her neighbours to take the dole like themselves!" But, for all this, I do not blame the pauper; I blame the bad law and its worse administration, which have made him a worthless member of society. The law of nature says, that a man shall support his child—that the child shall support his aged and infirm parent—and that near relations shall succour one another in distress. But our law speaks another language, saying to the parent, "Take no trouble of providing for your child,"—to the child, "Undertake not the load of supporting your parent,—throw away none of your money on your unfortunate brother or sister,—all these duties the public will take on itself." It is, in truth, one of the most painful and disgusting features of this law, that it has so far altered the nature of men. It is now a common thing to hear the father say, "If you allow me only so many shillings a-week for children, I will drive them from my doors, and deny them the shelter of my roof;" and it is not unusual to hear the child say, "If you do not allow my aged mother more, I shall take her out of my house, and lay her in the street, or at the overseer's door." I state this from the text of the evidence, and, horrible as it appears, I cannot refuse it my belief. My Lords, those who framed the statute of Elizabeth were not adepts in political science,—they were not acquainted with the true principle of population,—they could not foresee that a Malthus would arise to enlighten mankind upon that important, but as yet ill understood, branch of science,—they knew not the true principle upon which to frame a preventive check, or favour the prudential check to the unlimited increase of the people. To all that, they were blind; but this I give them credit for,—this they had the sagacity to foresee,—that they

were laying the foundation of a system of wretchedness and vice for the poor,—of a system which would entail upon them the habitual breach of the first and most sacred law of nature, while it hardened the heart against the tenderest sympathies, and eradicated every humane feeling from the human bosom;—and therefore the same statute of Elizabeth which first said that labour and the reward of labour should be separated, —the same statute which enacted a law contrary to the dispensation of Providence and to the order of nature, —foreseeing that the consequence would be to estrange the natural feelings of the parent for his child, and of the child for his parent, for the first time in the history of human legislation, deemed it necessary to declare, by a positive enactment, that a child should be compelled by the statute in such case made and provided, to obey the dictates of the most powerful feelings of nature,—to follow the commands of the law implanted in every breast by the hand of God, and to support his aged and infirm parent!

If we survey the consequences of all this, not only upon the poor, but upon the landed proprietors of the country, and upon the property of the country itself, we find that they are to the full as melancholy as any other of the countless mischiefs flowing from the maladministration of the Poor Laws. I will not say that many farms have been actually abandoned,—I will not say that many parishes have been wholly given up to waste for want of occupants (I know there are instances of farms here and there, and of one parish, I think in the county of Bucks, which has been reduced to this state), but I will not say that as yet the system has so worked as to lay waste any considerable portion of territory. That it has a direct and a necessary tendency to do so—that unless its progress be arrested, it must go on till it gain that point—that ere long we must reach the brink of the precipice towards which we are hurrying with accelerated rapidity—that the circum-

stance of one parish being thrown out of cultivation, inevitably and immediately tends to lay three or four others waste, and that this devastation, gathering strength as it proceeds, must needs cover the land—of these facts no man, who consults the body of evidence before your lordships, can entertain the shadow of a doubt. Stand where we are we cannot. I might say, with others whose minds are filled with despair and the dread of coming events, that I could be content never to have things better, so I were assured that they would never be worse; but this—even this wretched compromise is impossible, with the frightful scourge that is ravaging our country. The question is,—shall we retrace our steps, or shall we push forward, and down the steep we stand on, by the *momentum* of this weight we have laid upon ourselves? That such is our position,—that such is the course we are pursuing,—that such is the gulf towards which we are hastening,—no man living, gifted with an ordinary measure of sagacity, can deny. This, then, is the picture of our situation, harsh in its outline, dismal in its colouring, in every feature sad, and awful to behold. This is the aspect of affairs, menacing the peace of society, undermining the safety of dominion, and assailing the security of property, which the system, as now administered, exhibits to the eye. In this it is that the schemes of man, as short-sighted as presumptuous, have ended, when he sought to reverse the primal curse, under which he eats his bread in sorrow and the sweat of his brow. Our Poor Law said, The sweat shall trickle down that brow no more; but the residue of the curse it has not reversed—for in sorrow he shall eat it still. The dispensation of wrath, which appointed toil for the penalty of transgression, was tempered with the mercy which shed countless blessings upon industry—Industry that sweetens the coarsest morsel, and softens the hardest pillow; but not under the Poor Law! Look to that volume, and you will find the pauper tormented with

the worst ills of wealth—listless and unsettled—wearing away the hours, restless and half-awake, and sleepless all the night that closes his slumbering day—needy, yet pampered—ill-fed, yet irritable and nervous. Oh! monstrous progeny of this unnatural system, which has matured in the squalid recesses of the workhouse, the worst ills that haunt the palace, and made the pauper the victim of those imaginary maladies which render wealthy idleness less happy than laborious poverty!—Industry, the safeguard against impure desires—the true preventive of crimes; but not under the Poor Law! Look at that volume, the record of Idleness, and her sister Guilt, which now stalk over the land. Look at the calendar, which they have filled to overflowing, notwithstanding the improvement of our jurisprudence, and the progress of education.—Industry, the corner-stone of property, which gives it all its value, and makes it the cement of society; but not under the Poor Law! For it is deprived of its rights and its reward, finds its place usurped by indolence, and sees wrong and violence wearing the garb, and urging the claims of right; so that all property is shaken to pieces, and the times are fast approaching when it shall be no more! In this devastation but one exception remains, in those seats of industry, where the miracles of labour and of skill have established the great triumph of the arts, and shed unnumbered blessings on all around; those arts whose lineage is high—for they are the offspring of science—whose progeny is flourishing—for they are the parents of wealth. They have, indeed, stayed for a season in the districts which they nourish and adorn, the progress of the overwhelming mischief: but long even *they* cannot arrest its devastation, and this last pillar cannot long remain, after all the rest of the edifice has been swept away! They cannot stay the wide-wasting ruin; but we can, and we must. It behoves us to make a stand before one common ruin involves all, and to tread back

our steps, that we may escape the destruction which is on the wing, and hovering around our door.

Let me then ask your lordships' attention for a moment, while I trace more particularly the cause of the mischiefs of which we have now been contemplating the gloomy picture. I shall say nothing at present of repealing the Poor Law itself. I shall, for the present, assume that the statute of Elizabeth cannot now be dealt with. I shall take it to be fixed irrevocably as the law of the land, and I will proceed upon the supposition that it is impossible now to reduce things again to the state in which they were previous, I will not say to the 43d, but to the 5th, of Elizabeth. Desirable as it may be to place the system on a better footing, and difficult as it is not to wish for some radical change which may prevent a recurrence of the calamities we are suffering under, I yet feel that this is most difficult to effect, because it is the evil of all bad laws worse administered, that we must continue to bear them, on account of the danger which may spring from their sudden repeal. Much, however, may be done with the administration of the system; and to this it is that practical wisdom bids us apply the remedy. The separate and opposite jurisdictions of different magistrates, overseers, and benches of justices, the want of system and unity in practice, lie at the root of the evil; and the Report teems with instances of the mischiefs which have flowed from this source. When you look at a district in which a better system of administration has been adopted, and contrast it with one, perhaps in the very next parish, where the bad course has been pursued, you would hardly think that you were looking at two parts of the same county, or even of the same island, so different are the effects. In the one a total change of system has been effected—the rates have speedily come down, at first to one-half, and afterwards to one-third—paupers disappear, and industry regains its just place; while, upon crossing a brook, you find

in the other parish a swarm of sturdy beggars depriving the honest labourer of his hire, and the rental crumbling down daily and hourly into the poor's box —always filled, and always empty. Then, how comes it to pass, that, with the example before their eyes, the authorities in the latter parish persevere in their course? The good effects of a rigid abstinence in administering relief, have been strongly exemplified in Scotland, and yet that experience has been quite thrown away upon England. In Scotland, down to a recent period, doubts were entertained by lawyers, as to whether or not there existed any right of compulsory assessment for the poor. It seems now agreed that the right exists; and the English and Scotch laws are admitted to rest generally upon the same foundation. The administration of them, however, has been widely different in the two countries. The Scotch, a careful and provident people, always watchful and fearful of consequences, kept an exceedingly close hand upon the managers of the poor's fund, and did everything in their power to ward off the necessity of assessments —reserving so perilous a resort for times of emergency, such as in the extraordinary scarcity of the years 1795 and 1800. This was the most rational plan that could be pursued, for it prevented the introduction of regular and habitual relief, and the setting apart of a constant fund for maintaining the poor. In some instances it has been acted upon in England, but in very few, comparatively; for there has been no unity of action, no general control; and the neighbourhood of Scotland and the success of the right practice there, have produced no considerable amendment of our vicious system. Hence I infer the necessity of a central, rigorous, and uniform plan of administration. And here I would step aside for one instant to illustrate this observation by a fact. It is generally said, "How can you do better, or act more safely, than by leaving to the parties interested the administration of their

own affairs?" Generally speaking, I am willing to adopt that principle, and to proceed upon it: I believe the principle to be most sound; and, moreover, I am disposed to think that its application tends exceedingly to promote good government, and to prevent the evils of a meddling, petty, overdoing legislation. Nevertheless, experience certainly does show that it is not universally applicable; or rather, that it is not applicable to places where the concerns of a number of persons are managed by a majority of their body, and not each man's by himself; for when a certain leaven of men gets into an assembly, all of whom have a voice in the management of the common concerns, it very often happens that a combination takes place, arising from sinister and interested views; and that this junto, by its activity and intrigues, baffles the general disposition to consult the common interest, and sets it at nought. I happen to know an instance of this, and I will mention it to your lordships, by way of illustration; it was given in evidence before the famous Education Committee of the other House, sixteen years ago. In two of the parishes of this city, there were several great charities supported without endowment, by voluntary subscription. Mr. Baron Bailey, himself a large contributor to these, as he is to all benevolent institutions, proposed to establish a rule, that no tradesman on the Committee of Management, should be employed in supplying the institutions in question, because it was justly apprehended by the learned Judge, that where such persons were interested, there would be no very rigorous inquiry into the necessity of making the purchases, and no very strict audit of the accounts. Nevertheless, the proposition, though tending to save the funds, and therefore required by the pecuniary interests of the body who raised those funds, was rejected by a great majority of the Committee, who were themselves contributors. They said that they had always been in the habit of

employing one another to supply the institution, and that they were determined to continue the practice. The custom of another charity in the same neighbourhood was apparently better—but really just the same. There, a bye-law was in force, that no man should be employed as a tradesman to the charity while he was upon the managing committee. But this check was defeated by having a double set of tradesmen, who belonged to the committee in alternate years, and were employed each in his turn as he went out of office. I believe a proposal was made to correct this gross abuse; but, like the suggestion of Mr. Baron Bailey, it was rejected by the subscribers, to save whose money it was brought forward.

Here, then, we find men in the disbursement of their own funds, and in pursuit of their own objects, determined to suffer, with their eyes open, abuses which daily defraud them, and persisting in a course which makes it unavoidable that their pockets should be picked before their eyes. But do not facts like these demonstrate how long a vicious system may continue in any vestry or managing committee against the interests of the general body, if it contributes to the advantage of a few? Does it not also show how much longer a bad system may prevail in any vestry or parish, where the individuals most interested have not the same control as in a voluntary association, and how easily the most flagrant abuses may continue to receive protection from those they injure, before men's eyes are opened—ay, and after they have been opened? Because I am not now speaking of a few ignorant farmers, who, by the bye, have not by any means so strong an interest in the matter as the landlords; but of more enlightened persons, and of bodies less open to abuse than the authorities of country parishes. Surely the inhabitants of a remote hamlet are much more likely to keep their eyes shut upon such subjects than the inhabitants of St. George's, Bloomsbury, and St. George's, Hanover

Square. Therefore, the evils of a scattered and varying and uncertain administration of these laws, it behoves Parliament above all things, and before all things, to correct, with a view to establishing authorities able well and wisely to overlook the relief of the poor and the expenditure it occasions. For this object the present Bill proposes to provide—precisely upon the views to which I have shown that experience guides us. The main principle of the measure is this—to leave the law, generally speaking, as it stands at present, but to tread back our steps as far as we can towards a due administration of it; and having once brought things nearer to their position in some particular parishes where the experiment has been tried, and salutary improvements effected, and to their state generally in Scotland, then to take such steps in reference to the law itself as shall prevent a recurrence of the same abuses.

I have now to entreat your lordships' attention to the course taken in constructing the measure before you; but I wish, in the outset of my remarks, to take notice of an objection to our proceedings—an objection, however, which has been more heard out of doors than within the walls of Parliament. I allude to the outcry set up against the Report, as a thing framed by theorists and visionaries, and to sum up all in one word of vituperation, by political economists; that is the grand term of reproach. As if only theorists and visionaries could be students and professors of the despised science of political economy! Why, my Lords, some of the most eminent practical men in this country—individuals the most celebrated, not as rash and dreaming speculators, but as sober statesmen—leaders of Opposition—ministers and heads of Cabinets—men whose names as they were, when living, the designations of the parties into which the whole country was marshalled, have passed after death into epithets synonymous with practical wisdom, among their followers—it is among these men that I should look, if I were called upon to point out

the greatest cultivators of political economy that have flourished in my own day. Is it necessary for me to remind you that Adam Smith—another name which excites a sneer, but only among the grovelling and the ignorant—that the name of that eminent economist was first made generally known through his intimacy with Mr. Pitt, and by Mr. Pitt referring in Parliament to the high authority of his immortal work? Mr. Pitt was distinguished by his study of political economy, though his policy did not always proceed upon its soundest principles; and when he would have applied them, his attempts were not always attended with success. Such, at least, is my opinion now, speaking after the event, and with the cheap and easy wisdom which experience affords, yet always speaking with respect for that eminent man's science and talents, which no one, how rude or ignorant soever, will be found bold enough to question. I think he committed mistakes —perhaps in his situation I might have fallen into the same errors; but was Mr. Pitt a dreamer?—was Mr. Pitt a visionary? Was Mr. Canning, who also professed and practised the science of political economy, a philosophist, a mere speculator, or a fantastical builder of ideal systems? My Lords, I have heard many persons object to Mr. Canning's policy; I did so myself at one period, though I afterwards co-operated with him when his views were liberal and sound; but neither at the one period of his political life, nor at the other, do I recollect ever hearing anybody bold or foolish enough to designate that eminent man as a visionary or a theorist. Then we had Mr. Huskisson—he, too, a political economist, and indeed profoundly conversant with the science; but I suppose he was no practical man,—I suppose he knew nothing of the financial—nothing of the commercial relations of this country—nothing of the distribution of its wealth—nothing of the bearings of its mercantile laws and fiscal regulations upon her trade and manufactures. I verily think,

that if I were to search all England over, and to ransack the whole volumes of our annals at any period for the name of a practical statesman,—one who habitually discarded theory for practice,—one who looked to every theory with suspicion, and adopted only those doctrines which were grounded upon the most incontestable results of experience—a pilot, who, in guiding the vessel of the State, proceeded with the lead-line ever in his hand, and ever sounding as he sailed—who never suffered her to stir until he knew the depth, the bottom, a-head and all around, and left no current, tide, or breeze out of his account;—if I were to name one man whom I have known or heard of, or whom history has recorded, and to whom this description is most eminently applicable, Mr. Huskisson is the name I should at once pronounce. To swell the catalogue with other bright and noble instances, would be much more easy than useful. Thus I might add Mr. Henry Thornton, an author of high fame, whose works were among the first that enlightened us on the subject of currency, and fixed the principles that governed this branch of science. But Mr. Henry Thornton was a banker; and an intelligent, skilful, prosperous banker. And it is these great men—great as philosophers, but better known as men of business—the Pitts, the Cannings, the Huskissons, the Thorntons, who, with Dr. Smith and after his example, entered themselves in the school of the Economists,—they it is whom I am fated to hear derided as visionaries and schemers. But I have unawares named the science which was cultivated by Quesnai, Turgot, and other illustrious French philosophers, and have thus exposed it to a different attack, from ignorance yet more gross than that which denied authority to the names of the English statesmen I have mentioned. I have referred to the French economists, and I know full well that they have been derided as republicans—very little to my astonishment, prepared as I am by experience to see the effects of ignorance—

for ignorance has no bounds. Unhappily science has its limits, and they are not hard to reach; but ignorance is endless, unconfined, inexhaustible,—ever new in invention, though all its productions are wretched and worthless,—always surprising you, though mingling pity and contempt with wonderment: and never is it more daring in its inroads upon our credulity—never is it more strange in the antic feats it performs—never more curious in the fantastic tricks it plays, than when its gambols are performed in the persons of men dressed in a little brief authority, or who would fain be so attired, and who really are decked habitually in presumption that almost passes belief. Why, my Lords, everybody who knows anything of the French Economists, knows full well that they flourished under an absolute despotism,—that they were the great friends and the firm supporters of absolute monarchy,—that they abhorred liberty, and abhorred republicanism,—and that one of their errors, in my opinion the most fatal they could commit, was holding the doctrine that what they called *despotisme legal*, in other words, an absolute monarchy, was the best form of government; accompanying their doctrine, however, with this reservation, "if you have a good king at the head of it;" as if the sole use of all restraints upon power was not founded on the risk of having bad rulers; as if the absence of control did not, while man is man, insure a succession of bad monarchs. But I only mention this to show, that whatever charges the French economists may be justly exposed to, assuredly love of a republic, or even of rational liberty, is not of the number. Such is the presumption of that abject ignorance which would give certain men, and the science they explore, a bad name, not even knowing the true sense of the words it takes upon itself to use. Far, then, from being with me an objection, that these invaluable dissertations and statements of fact have been prepared by political philosophers—that all this mass of useful evidence has been

collected by them, and that many propositions have been made by them, some of which, and only some, are adopted as the groundwork of the present measure,—I derive confidence from the reflection that it is so—that we have been helped by political economists, men who have devoted themselves to the study of that useful and practical science, and with them I cheerfully expose myself, and not only with them, but with all the illustrious names of men now no more, and all the other illustrious men that happily still remain, and whom, for that very reason, I have forborne to mention, to the charge of being a speculator, and a visionary, and a theorist. I will not deny, however, that if I had perceived in these highly-gifted persons, the tendency, sometimes observed in men of science, to ground their opinions on mere reasoning, uncorrected by experience, and to frame systems with a view to fair symmetry, rather than to the facts now before us, I should then have exercised my judgment and said, "Those proposals, how daintily and ingeniously soever they be prepared, I reject." My Lords, we have picked our way slowly and carefully through facts and documents; we have rejected somewhere about one-half of the suggestions that have been made, a portion of that half being precisely the part most important in the eyes of the men from whom they have proceeded: we thought that, in a practical point of view, it was better to postpone them at all events for the present: but I beg leave distinctly to state, that hereafter, when time shall have been allowed for inquiry and consideration, and when this measure shall have paved the way for the reception of ulterior projects, they will, should experience warrant their adoption, receive my assent.

Let us next consider for one moment what is likely to be the best way of reforming the administration of the Poor Laws, by retracing the steps that have led us to the present state of things. I think I may lay it down as clearly following from what I have stated, that

there is one main point, the necessity of arriving at which cannot be denied—I mean securing such a degree of unity of action in the authorities invested with the parochial superintendence, as can be obtained only by the establishment of one central power. In the second place, I think it follows that the persons in whom this control shall be vested, must be armed with very ample discretionary power. Next, it seems clear that these ought not to be political persons, if I may so speak,—that they should be Members of neither House of Parliament,—men belonging to no party,—men unconnected (politically speaking) with the administration of public affairs, and unmixed with the contests of the State. If I should be consulted in the choice of the individuals, I will only say,—"Show me a person (and I think I know that person) whose opinions on party matters differ most widely from my own, and if he be a man of firm mind, of extensive experience as to the working of the Poor Laws, of conciliatory manners, of sound discretion,—if he be a man whom I can trust for his temper (one of the prime requisites in such a work), and that man I prefer before any of those with whom I most agree in politics;—nay more, if I saw two persons sufficiently gifted, but of opposite political opinions, I would name one of each party, in order the better to gain the confidence of the public,—to show the country that in the appointments there is no favour,—that, in the selection, the only consideration has been qualifications and deserts. I have said that extensive and effective reform in the administration of these laws can only be accomplished by intrusting large discretionary powers to the Commissioners. Of this no doubt can exist; and a very slight attention to the subject will convince you of it. The bad practices have taken such root, and spread so widely, that a strong hand alone can extirpate them. But it must be not only strong—it must be ever ready; in other words, all must be left to the discretion of the men intrusted;

for, if each time a step should be taken, either going too far, or going in the wrong direction, or stopping short of the proper point and not going far enough, you had to wait until Parliament was assembled, and a Bill brought in to change the plan, and a new Act passed, it is needless to remind you that for months the whole of the machinery must stand still. As any individual, on such a subject, will be exposed to err, so may Parliament, in any measure of detail it can frame —ay, and fall into serious errors too. Good God! who shall say that the wisdom of all the lawgivers in the world may not lead them into error, upon matters which for nearly three centuries have baffled the wisest of men in every nation? You have delegated to the Judges powers of altering from day to day the rules of pleading and of practice, merely because you distrusted your own foresight, and did not arrogate to yourselves the power of being beforehand as wise as experience could make you. Again, one part of the country may require one mode of treatment, another may require the application of different remedies; agricultural districts will stand in need of a very different treatment from that which must be employed with commercial and manufacturing places; nay, the circumstances of one agricultural parish may be so entirely different from those of another, even of one in its immediate vicinity, as to render the same course of management inapplicable to both. The point we are desirous of reaching, it is true, is one and the same for all; the state of things we would bring all back to is the same; but the road to be taken towards this point is necessarily different in different places, for each may have deviated from the right path by a different route, and by a different route must be brought back. One uniform inflexible rule, prescribed by statute, can therefore never be applied to these various cases; and hence the operation must be performed by a discretionary power lodged somewhere, that the hand which works

may feel its way, and vary its course according to the facilities or obstructions it may encounter; nay, an arbitrary discretion, to use a word which has been employed, invidiously, towards the measure, and arbitrary, to a certain extent, it must be; because it must be both ample and unconfined, in order that the rules for its exercise may not paralyze its movements.

My Lords, I am perfectly aware that such powers as these may be designated as unconstitutional. I am aware that at any rate they are in one sense novel to a certain extent; but their being wholly novel and altogether without precedent, I utterly deny. They are novel, as vested in one Board, but they are far from being novel in themselves. I could take the first fifty local Poor Acts to be found in the Index to the Statutes, and engage to show you that every one of those Acts contains stronger, more drastic, more rigorous, more arbitrary, and therefore less constitutional powers, than any that will be given by this Bill to the Central Board. And by whom are the powers which these local Acts confer to be exercised, and in what circumstances, and under what superintendence and control? Those powers are given to the very men of all others the most likely to abuse them—men self-elected, unknown, of no weight, and of narrow mind; those powers are to be exercised in a corner—in the dark—not in the face of the country—with no one to watch, to revise, to control—they are to be wielded beyond the reach of the Legislature, by persons not removable by the Crown, accountable to no Secretary of State, overlooked and checked by no King in Council, as this Central Board will be—and exercised by men far too small to be perceptible by the public eye, therefore far removed from any influence of public opinion. My Lords, can you hesitate one moment, when you have conferred so much larger and more dangerous powers upon irresponsible bodies, to vest the powers of this Bill in such a Board, acting upon the responsibility

of known and eminent men, and fenced round about with the triple guard of the Crown, the Parliament, and the country at large?

My Lords, I have now stated the principles upon which we are led to frame this great measure. I have shown, from the direction the evil has taken, and the manner of its operation, how we are led to these four conclusions—the necessity of a Central Board—the necessity of its separation from the strife of political affairs—the necessity of vesting in it powers both large and discretionary—and the necessity of its exercising those powers under the inspection of the Legislature, and the control of the Executive Government. These principles, deduced from the facts, and dictated by our sad experience of the necessity, form the groundwork of the system. That the control of the Crown may be more constant and effectual, the Commissioners are to be removable at pleasure; they are to report all orders to the Secretary of State; and those orders are to have no effect for forty days after this communication, during which period an Order in Council may annul them.

I entreat those of your lordships who may question the safety of such ample power as the Board must have, to consider how strict a control is thus established over its proceedings. Add to this the watchful superintendence of both Houses of Parliament, and then reflect upon the constant control of public opinion, and I confidently say, that the requisite powers may be safely and prudently intrusted to the new Board. But still it is said that they are unconstitutional—still it is said that they are as novel as unwelcome to the country. My Lords, if this be a great step—if this be an extraordinary enactment—if this be an unheard-of measure which we are now discussing;—supposing I admit it all—I ask, are not the times in which we live, in this respect, of an extraordinary aspect? Is the state of things in which we are called upon to legislate one that has often or that has ever existed before? Is not the

evil we are pressed down by unheard of? Is the existing condition of our peasantry and our landowners not a novelty and a portentous novelty—the growth of very late times, yet daily increasing, and swelling out its hideous form? Many Bills, with more unconstitutional clauses, have I seen during the last thirty years, where Boards have been constituted of irresponsible men—men endowed with great powers, to be exercised in the dark. But I have never yet seen times like these in which I now bring forward this Bill. We live in times, indeed, very different from those that are past, when a Report is presented to us, founded upon the concurrent testimony of magistrates, country gentlemen, clergymen, farmers, labourers, and parish officers—of manufacturers and tradesmen—of men of science and men of no science at all—of men of practical knowledge, and men of theoretical principles—of the dwellers in towns, and the inhabitants of the country—of those who have been constantly in vestries—of those who have been all their lives occupied in the administration of the Poor Laws, as magistrates, as barristers, or as judges. Talk of unheard-of measures, and of unprecedented discretionary powers, in a case like this, when you have all this hitherto unheard-of—this altogether unprecedented, consentaneous, and uncontradicted testimony, borne by every different kind of witnesses in every class and walk of life, and sanctioned by every variety of talent and argument that can be found in all kinds of minds, corroborated by all those whose weight of judgment makes them the best authorities upon the principles, and whose experience makes them the most competent witnesses of the facts! I say, my Lords, you not only may, but you must listen to these recommendations, when you have the best judges in the matters of opinion—and the best witnesses to the matter of fact—all in one voice representing to you a state of things which has made industry and idleness, honesty and knavery, change places; and which exposes

the property of the community, and with its property, every law, every institution, every valuable possession, every precious right, to the ravages of that remorseless pestilence, before whose strides you, the guardians of the social happiness of those who live under your protection, have beheld the peasantry of England abased to a pitch which I am at once afflicted and ashamed to contemplate—which I shudder to describe—and which I could not bear to think of, did I not know that the same hand which lays it bare to your eyes, and makes its naked deformity horrible in your sight, will be enabled, by your assistance, to apply to the foul disease a safe, an effectual remedy; restoring to industry its due reward, and visiting idleness with its appropriate punishment; reinstating property in security, and lifting up once more—God be praised!—the character of that noble English peasantry to the proud eminence, where, but for the Poor Laws, it would still have shone untarnished,—the admiration of mankind, and the glory of the country which boasts it as her brightest ornament!

My Lords, there are other alterations of the system —many and important alterations—introduced by this Bill; but exhausted as your patience must be, and fatigued as I am myself, I shall not think of entering into them, except generally and briefly. Out of the Poor Law of Queen Elizabeth,—which gave every man a title to claim relief from some parish or other,—arose the law of Settlement. My earnest hope is, that by the alteration which this Bill will produce in the state of the country,—we shall find that, in another half century,—or it may be at a much earlier period,—the country will be in such a state as to enable us to make still further improvements than those which are now contemplated in the case of settlement. This applies particularly to one branch of the subject—namely, birth-settlement—a point which the Bill avoids and makes no change in. My Lords, I own that I could have wished to make some alteration in this

respect; but I have great hopes that the improved administration of those laws will enable us to introduce some amendments with regard to it. I know that, if they were propounded at present, it would be said to be taking a step of too extensive a nature, without due reflection and preparation. The proposition of making the place of birth the place of settlement, has been considered and rejected by the House of Commons after full examination. I own that I am disposed to think that birth-settlement would be a great improvement, or rather a settlement by residence, which is in all respects better. Still I am aware that objections may be urged against both, and more especially a settlement by birth alone; but I shall be perfectly willing to discuss it in committee, although, for the reasons I have already stated, I do not think it would be desirable to make the alteration at the present time. One great defect of the existing law upon this subject—that of derivative settlement by parentage—is, that a man may become chargeable himself, and may make others chargeable, upon a parish which has no control whatever over his proceedings. Thus stands the case:—Suppose I am a Westmoreland pauper—as I certainly very soon may be if the present system continues—then suppose I go and live in Northamptonshire, but that I do not gain a settlement there,—suppose I make an improvident marriage, and have as many children as, in the course of nature, would fall to the lot of a man at any time of life; I have, it may be, ten or twelve children; that is supposing I were eighteen. Well, suppose—as is very often the case in such instances—that the wife had peculiar claims upon me before marriage, I might be compelled by the overseers to contract a marriage with her. This, be it recollected, is in Northamptonshire. Now, those churchwardens in Northamptonshire who can procure and almost compel the marriage, and those landlords in Northamptonshire who refuse to let me a £10 tenement, and those

farmers in Northamptonshire who refuse me a hiring by the year, but allow me to have a family in one of their smallest cottages, have the power to suffer or to forbid me gaining a settlement, but have no interest in my not gaining one among them; indeed, they have rather a direct interest the other way,—they have a direct inducement to increase the number of paupers, who are to burden the rates of the Westmoreland parish, while the Westmoreland parish, which has the interest in preventing my having a family in a Northamptonshire cottage, has no power whatever to impede that event. If, on the contrary, the place of settlement were the place of birth, all this contradiction and anomaly would cease; for if my children gained a settlement in Northamptonshire as soon as they were born, the overseers would not be so very anxious for my contracting a marriage, nor would the landlords have such an interest in letting me have a cottage. By the present law, however, these inducements to commit what is a great injustice certainly exist.

But let us next consider the settlement by hiring and service, which is struck out by the Bill. I think this settlement is almost universally exploded, whether by theorists or by practical men, and it is denounced in this measure as utterly bad, and tending directly against every principle which it would be most desirable to establish for our guide.

One of the first consequences of the law which gives every person a settlement in the parish in which he is hired and serves by the year, is a perpetual attempt to evade the law, which, from its tendency to weaken the general respect that ought to be felt for any legislative enactment, is in itself an evil of no small magnitude; for no lawgiver should wish to put his subjects in a constant attempt to evade any of his commands. The statute of Elizabeth gives a settlement to every one who is hired and serves by the year; but it gives no settlement to one who is hired for 360 days instead of

365. This is a gross evasion of the act, and yet it is one which takes place from one end of the year to the other, from one end of the island to the other. What is the consequence of the evasion? That great chicanery and much trickery exist. The next consequence is, that hostility and distrust arise between master and man, the man attempting to gain a settlement, the master endeavouring to fend him off; and thus it happens that they are no longer on the friendly footing, in the confidential and kindly habits on which master and man ought to be placed, and on which they stood previous to the years 1794 and 1795. This evasion of the law of Settlement began to be generally practised, I think, at the commencement of the French war, and it gradually led to the discontinuance of that laudable custom of boarding farm-servants in the house —a custom which was attended with the very best results, both to the moral character of the labourers and to the comforts of the whole farm. They were on the kindest terms with the master; they formed part of the same family; the master was more like the head of a patriarchal family, and the labourers were like his children; they were treated as such; they dined at the same table, and slept under the same roof; and they worked together in the same field. I have frequently seen them in these habits; I have partaken of their fare, and better no one could desire to have set before him, whose appetites were unpampered and unvitiated. The whole household lived more comfortably, because better cheer could be afforded where so many were entertained together. There was a certain degree of domestic control; there was the parental superintendence exercised by the master over the men, and there was the moral sanction of the matron of the family over her maids. The master was the friend and counsellor of the men; the dame of the women. If one of either sex was about to contract an improvident marriage, their advice would be interposed. Although

they never heard of the prudential check, nor knew anything of political economists even by name, yet, as the doctrines of those philosophers are only the dictates of prudence and common honesty, the farmer and his good wife would set before the young folks the imprudence and dishonesty of a man contracting a marriage before he could maintain a wife and children; she would tell him that which Mr. Malthus is so much abused for saying at all, "Who would ever buy more horses than he can afford to pay for, or afford to keep? Then why should you marry when you have scarcely the means of supporting yourself, for the mere purpose of bringing into the world a number of miserable wretches for whom you have no bread?" I will venture to say, that in those happier times, bastardy was not one-twentieth part so common as it is now. Of late years, all this has been sadly changed; farm servants are hired for eleven months and a-half; they are then turned out of the house lest they should obtain a settlement, and the consequence is, that they spend half the time before they are hired again at the alehouse, to which they never thought of going before, except on a merry-making day, once in several months. The consequence of this has been, that the habits of the servants have become more dissolute from constant change of place, and that an unfortunate stimulus has been given to the progress of population by the labourers living in cottages. The effect of this interval of a fortnight or three weeks, during which the servants are necessarily out of all places, and running about to fairs and markets, has been fatal to their habits and morals. I can state this, my Lords, from my own experience and observation. I have also heard from others numerous instances in which men have become idle and dissolute by being turned out in this way. But if the system is bad for the men, it is a great deal worse for the female servants; for what is to become of a poor girl with a father and mother fifty miles off, who has nothing to

do, and nowhere to go to but to run about from one market to another? My Lords, it is quite in vain to doubt, that, during that fortnight, she has every chance of losing her character, and of becoming a very different person from what she was before. For these reasons it is that I exceedingly rejoice in the provision of the Bill which abolishes this settlement by hiring altogether. The abolition of the settlement by apprenticeship is also a salutary provision, but it is not so important as getting rid of the settlement by hiring. It is an improvement certainly, because the present law gives rise to much litigation; but I do not set any great store by it. All the other modes of acquiring a settlement remain as they are, with the exception of that arising from the hiring of a £10 tenement, upon which an additional check is imposed, by requiring the payment of taxes during a year. Such, my Lords, are the changes which have been made in the law of settlement, and which, for the reasons I have shortly stated, appear to be well recommended.

The only remaining part of the subject, to which I have to call your lordships' attention, is the change which has been made in the Bastardy Laws. I confess that I think this a bold measure; but, at the same time, I consider it a great and unquestionable improvement. The law, as it now stands, throws it upon the man to avoid the offence, and not upon the woman; it leaves the woman with little or no inducement (so far as the law is concerned) to preserve her chastity, and it relies wholly on the effect of burdens cast on the men, as if it looked to them alone for avoiding the misconduct. I must, however, go a step farther. I am afraid that the present law raises up a motive in the breast of the woman rather to yield than to resist. I much fear it co-operates with the frailty of the sex; I fear that the seducer of the woman—the man who is laying siege to her virtue—who has always one ally in the garrison ready to beat a parley—her own passions

—finds another ally provided for him by the law, and ready to counsel a surrender. That ally is—not her passions, but her reason—her calculation of interest. From the provisions of the law comes the suggestion—"The law is in my favour; if the worst comes to the worst, I can make him marry me—I will hold that over his head—I am doing that which I know to be wrong in itself, but I am doing that which I do not think will be wrong if marriage follows." Thus thoughts are engendered in the breast, still more dangerous to female virtue than all that the passions can excite, and all that speculations of interest can add to the force of the passions. At the critical moment, when those passions are strong, and themselves ready to overpower the judgment, the law first brings over the reason itself to their side, making it her interest to yield, and then furnishes a soporific to lull the conscience, by engendering a mistaken feeling of perverted morality, and enabling her to look forward to the period when marriage shall cover her fault. She pursues her calculations —she gratifies her passions—she is induced by false notions of virtue and honour to hear the voice of her seducer—no wonder that the citadel is surrendered.

This, my Lords, is the operation of the present bastardy laws. I will describe this conflict of passion and calculation, and interest and honour, against female virtue, no further. It is, indeed, unnecessary to dwell longer upon the subject, when I remind your lordships, that the change now propounded is formed on precisely the same principles on which you legislate every day for the upper classes of society, in the cases of conjugal infidelity that come before you. How often have we heard it argued, that the husband and the wife should be put upon a par,—that the wife should have the same right to divorce the husband, as the husband now has to divorce the wife,—and that the Scottish and the Civil law should be introduced into this country for the better protection of female happiness and female

honour! "No," your lordships have always answered; "No; we will trust the keeping of a woman's virtue to herself; to her we will apply the threats which may deter from crime; to her apply the dissuasives which may prevent her guilt. If she is afraid to yield, if you make it her interest not to yield, the seducer may beat at the door in vain: his object will be frustrated; yours, and what should be hers, will be gained." Let this principle be applied to the law of bastardy—let the woman be deprived of the advantage which she possesses at present—let the disadvantage be placed on her side—let the man have less chance of seducing her from the paths of virtue—let her be deprived of an interest in her own undoing and a palliative to her feelings if undone—and you will effect a great, and a most desirable improvement in the morals and the happiness of the poor.

But, my Lords, I have now gone through all the points of this important measure, which appeared to call for explanation. I have detained you, I am afraid, at much too great length, certainly at much greater length than I intended when I rose to speak. I can safely say, in conclusion, that if I have intruded unreasonably on your time, it has not been from the attractions which any part of this painful and thorny subject presents: it has not been from any delight I have felt in the contemplation of scenes creditable to no party, neither to our ancestors who made the laws, nor to their sons who executed them, nor to succeeding generations of lawgivers, who have, instead of attempting to improve them, done all they could to make bad worse. It has been owing to no gratification which I have experienced in dwelling upon events, and in looking on scenes, revolting to me as an Englishman and a man. It has been from a conscientious sense of public duty that I have unfolded to you a picture as dark and repulsive, as it is but too faithfully portrayed. This sense of duty alone has subdued those feelings which

originally alienated me from the task, and made me feel more relieved than I ever felt before in my life, when my noble friend lately at the head of his Majesty's Government, declared his intention of bringing this important and difficult subject before you. My Lords, I have borne a part in this great question since I first entered the other House of Parliament—having, in the years 1817 and 1818 especially, originated what measures I could towards the reformation of the Poor Laws—having, in 1831, the instant I became a member of the present Administration, turned my mind to this great question, from which I was diverted only by a measure of overwhelming interest, and absorbing all other considerations—I mean the Reform Bill. In 1832, the Commission issued under the Great Seal, which, of course, prevented my continuing my efforts until its Reports had been received, and which necessarily rendered it impossible to bring the question under the view of Parliament at any earlier period. My Lords, these are the circumstances which connected me with this mighty question; and prescribed to me the duty of rendering my feeble assistance towards bringing it before your lordships. My mind acquits me, I can assure you, of any sinister motive in taking the part I am now taking; it acquits me, above all, of any desire to court either for me or for mine, or for those with whom I am nearly and dearly connected in office, any portion of popular feeling.

My Lords, it is consolatory to reflect that we have no obloquy to apprehend from any considerable portion of the community. We have only to incur the hazard of misconception in some quarters, of misrepresentation in others, of false direction of right feelings, and of exaggerated views of things little understood, or it may be of malignity worse than ignorance. My Lords, we have set before ourselves no possibility of any advantage as a Government, or as a party, except the inestimable satisfaction of coming before our country, and

challenging from all parties in the State that respect which is due to Ministers who manfully take their own course, who look neither to the right hand nor to the left; who discharge what they feel to be their duty, regardless alike of whom they may irritate or whom they may alarm; and who hold up in their hands the result of their best efforts to serve the community, that has hitherto cordially and affectionately, and I may almost say unanimously, placed implicit confidence in them: resolved at all hazards to show this great and honest people, that at all times, and on all subjects, they will consult only its best interests and its real welfare, hoping for no other reward than an approving conscience, and the judicious verdict of the enlightened, the rational, and the honest part of mankind. I move your lordships, that this bill be now read a second time.*

* The motion was carried by a majority of 76 to 13. The speech of the Duke of Wellington was distinguished by his wonted candour, great acuteness, and truly statesmanlike views.

INDEX.

ABOLITION of slavery, dates of, 226.
Abuses of borough system, 366-369.
Abuses of poor laws, 397.
Acts on slavery—dates, 250.
Address to Crown on slavery, 111.
Address to the King on state of the laws, 305.
Allowance to poor system, evils of, 402.
Amédie slaver, case of, 102.
America should have been left free to carry our colonial produce to the continent, 7.
amount of trade with, 51, 52.
American war, slave trade, and French war characterized, 370.
Apprentices, speech on emancipation of, 241.
Apprenticeship, negro, speech on, 241.
arguments for abolishing, 263.
Austin, Rev. Mr., his evidence, 140.

BARHAM'S plan for importing Chinese labourers, 295.
Baring, Lord Ashburton, on Orders in Council, 13.
his character, 28.
Barrington, Admiral, on West India slavery, 203.
Bastardy laws, require change, 433.
demoralizing and unjust, 434.
Bathurst, Justice, on judge-advocate, 133.
Bellingham murders Mr. Perceval, 14.
Berlin, Decree of, Napoleon interdicting British goods and produce, 5. See *Council, Orders in.*
and blockade of Britain, 6.
Bermuda contrasted, 266.
Birkbeck, Dr., founds Mechanics' Institute at Glasgow, in 1800, 78.
and London, 1824, 78.
Birmingham, details of trade, 43.
Board of Trade blunders, 54.
Boroughs, twenty created by Henry VIII., twelve by Edward VI.; Queen Elizabeth created one hundred and twenty; two hundred in all created and revived to date of the Restoration, 350.
Brazil as a market, 39.
slave trade, 214, 236.
Bridges, J. W., his cruelties, 204.
his writings, 205.
Briggs, Dr., of Liverpool, his mission and death, 229.
British North American market, 40.
Brougham, at the bar of the Commons, 10.
his speech at, 18.
his election at York, 367.
his political sacrifices, 384.
his action in poor law reform, 436.
Burke, E., on colonial independence, 196.
his colonial code, 197.
on conceding reforms, 313.

CANADA, trade in, 1812, 40.
Close boroughs, 344.
Clothing, army, 44.
Coke, Lord, what we owe him, 128.
Colonial oppression, 114.
Commercio de Rio, case of, 105.
Commissioners on poor laws, their names and report, 406.
Conciliation courts, 309.
Continental system, Napoleon's, contrived to injure British commerce, 3.
Coolies, importation of, 283, 292.
Coronation oath, extract, 364.
COUNCIL, ORDERS IN—
originated with Mr. Stephen, 29.
speech on—Napoleon's object to injure British commerce by a league on the continent against

COUNCIL, ORDERS IN—
this country and our colonies by excluding British and colonial produce, 4.
at Hanover, 5.
by denouncing all British property as lawful prize, 6.
borrowed from the Republic, 6.
our policy, not to have interfered with American carrying trade, 7.
our Orders in Council were retaliatory, precipitate, and suicidal, 8.
hostile to rights of neutrals, 9.
framed by Mr. Stephen, 10.
Whig and Tory policy alike erroneous, 11.
Milan Decree, 11.
licenses issued, 12.
forged papers, embargo acts, and suspension of trade with United States of America, 12.
the merchants and manufacturers remonstrate, 12.
increase of distress, 13.
Perceval's death, 14.
inquiry continued, 15.
orders rescinded, 16.
Stephen retires, 16.
Mr. Brougham's speech, 18.
public distress, 19.
aggravated by the "*Orders*," 20.
wages, law of, 21.
sinecures and monopolies, 22
distress in Birmingham and Sheffield, 24.
in Yorkshire, 25.
at Liverpool, 25
distress greater than in 1800-1801, 30.
effect on food of our army in Spain, 30.
quarrel with America, 31.
attempt to expunge evidence, 32.
customs returns worthless, 34-5.
but still reveal decrease of 38 millions of British trade, and 27 millions of Colonial trade, 36.
not compensated by other markets, 38-40.
home market depressed, 42.
Birmingham, 43.
Spittalfields, 45.
naval rights plea, 46.
paper blockade, 46.
right of search, 49.

COUNCIL, ORDERS IN—
Fox's blunders, 49.
discretion useful in preserving rights, 50.
state and prospects of America, 53.
her manufactures, 56.
capital, 57.
conciliation of America advised, 59.
address to Regent, 60.
COURTS, LOCAL; speech on, 307.
Crime in West Indies, returns of, 200.
Cromwell, a commissioner for law reform in 1654, 301.
Cruelties in West Indies, 204-213, 270-274.
Cruisers, their duties, 227-234.
Cuba, slave trade of, 100.
Custom-house evidence, its uselessness, 34, 35.
fallacy of, 43.

DELEGATES, what, 360.
Demerara, excitement in, 123.
insurrection, 159-161.
conduct of colonists, 187.
Distress in manufacturing districts, 1812, 25-28.
Dudley, Lord, his sarcasms on Birmingham and Manchester, 358.
his speech reviewed, 321.
Dutch law quoted, 173.

EAST INDIA CO.'S MONOPOLY, petitions against, 22.
EASTERN SLAVE TRADE, speech on, 283.
labourers taken from Hindostan to Mauritius, 283.
mortality on the passage, 283.
Guiana imports labourers, 286.
moved that permissive order be recalled, 287.
inadequacy of laws, 289.
demand for labour, 290.
reply to Duke of Wellington, 291.
Barham's plan, 295.
necessity for vigilance, 297.
Elizabeth enacted first poor law, 393.
Emancipation in West Indies described, 252-255.
islands in which apprenticeship abolished, 257.
Evans, Admiral, on slavery, 204.
Expenditure in war entered as exports, 43-44.

FARMS abandoned because of excessive poor-rates, 411.
Fine writing defined, 347.
Food, supply of, to slaves, 268.
Foundling Hospitals objectionable, 401.
FOX, Mr., his mistakes in negotiations, 49.
Freemen may be very poor, 345.
may be controlled by rich lords, 346.

GLASGOW MECHANICS' INSTITUTE, 78.
Goderich's, Lord, statement, 338.
Goodman, Lieut.-Col., Vendue-master, 135.
Grant, Governor, his letters, 212.
his promotion, 213.
Grimsdall, Mr., imprisoned for preaching, dies in sixteen days, 208.
Guiana, importing Indian labourers, 286.
from places enumerated, 288.

HALE, M., a law reformer, 301.
Hanover excluding British goods, 5
Happiness of a people tested by increase of population and diminution of crime, 199.
Harrowby, Lord, answered, 334.
Havana slave trade, small risks of, 235.
numbers imported, 236.
Hayes, Commander, his testimony to slaves being thrown overboard, 247.
Henry VIII., created twenty boroughs, 350.
seizes monastic property, 393.
Hindostan, slaves taken from, 283.
Holidays in West Indies, 268.
Horton, Wilmot, his ignorance, 175.
altercation with, 185.
Hospitals, what classes are injurious, and what are beneficial, 401.
Household suffrage is of ancient right and usage, 363.
Huskisson, extract from his despatch, 216.
his practical habits and policy, 420.

INSURANCE of slave ships and cargo, 11 to 12½ per cent., 235.
only 6½ to 8 per cent. for risk of capture, 235.
Interruptions to speakers in parliament, 339, 341.
Ireland, agitation in, 378-81.

JAMAICA, legislature of, on slavery, 244.
their address to the Queen, 245.
340,000 slaves liberated on 1st August, 1834, 255.
Jeffries, Judge, and Demerara case, 184.
Judge-Advocate, colonial, his duties, 133.

LAIRD, Mr., his reports of African slaves, 229.
LAW, STATE OF, IN 1828, speech on, 301.
commission of 1654 and reforms, what has been done since, 302.
by Napoleon, 304.
address on, 305.
Licenses issued, 12.
LIVERPOOL ELECTION, speech on, history of, 65.
Mr. Brougham a candidate, 65.
allusions to slave trade, and to trade with United States, 71.
war with United States, 72.
declamation against Pitt's policy, 73.
Liverpool trade stopped, 25.
LOCAL COURTS, speech on, 309.
conciliation courts to obviate litigations in Sweden, Denmark, Switzerland, practice of these courts, 310.
lawyers do not urge clients to go into court, but oftener the reverse, 310, 311.
clamour for reform, 313.
Burke's opinion, 313.
reformers obstructed in secret, 314.

MACAULAY detects a slaver, 153.
Mansfield, Lord, answered, 329.
"March of intellect" defined, 88.
Marriott, Sir J., on blockade, 48.
Marryatt and Board of Trade, 29.
Martial law, historical notices, 128.
illegal in Britain, 129.
Mauritius, slave trade in, 112.
slavery in, 112.
imports slaves from India, 283.
Maynard, Serjeant, a law reformer, 303.

Mechanic at Derby makes a good speech, 354.
MECHANICS' INSTITUTE, LIVERPOOL, speech at, 77.
dates of other institutions, 78.
cost of wars, 82.
slavery, 83.
Middle classes characterized, 357.
their importance, 358.
Milan Decree of 1807, 11; and see *Council, Orders* in.
Missionaries, beneficial influence of, 253.
Missionary Society composed of various sects, 121.
Murders, wholesale, of slaves, 246, 249.
Mutiny acts, annual, 129.

NABOB of Arcot, eighteen or twenty members in parliament, 344.
Napoleon lives in his code, 304.
NEGRO APPRENTICESHIP, speech on, date 1838, 241.
dedication to Lord Sligo, 241.
colonial legislatures, 244.
of Jamaica, 245.
"*labourers*," 246.
drowning of slaves to lighten ship, 246.
Captain Hayes and Lord Sligo referred to, 247.
wholesale murders, 246, 249.
acts of 1833, 250.
apprehensions, 251.
reality, 252.
influence of missionaries, 253.
emancipation described, 255.
work done, 256.
Antigua and Bermuda liberate slaves at once, 257.
arguments for terminating the apprenticeships, 262.
Bermuda, 266.
abolition of flogging beneficial, 267.
food allowances, 268.
abuses requiring to be rectified, 269-271.
cruelties, 272.
prospects of improvement, 275.
NEGRO SLAVERY, speech on, date 1830, 193.
weakness or neglect of colonial legislatures, 195.
American independence, 196.
NEGRO SLAVERY—
Burke's opinions, 196.
tests of happiness, 199.
slaves in West Indies, population returns, 199.
criminal statistics, 200.
naval officers quoted, 202-204.
atrocity of Bridges, 204.
Smith's case, 206.
Orton's, 207.
Grimsdall's, 207.
his death, 208.
state of prisons, 208-9.
cruelties to slaves, 210.
the Mosses, 212.
slave trade, 214.
statistics, 214.
Brazilian, 214.
resolution moved, 217.

OLD laws, 365.
Oldfield, Mr., his account of slavery, 229.
Orders in Council, what they decreed, 8. See *Council.*
Orton's case, Jamaica, 207.

PAPER blockade, what is, 46.
Parliamentary reform, speech on, 319.
Pauperism, how increased, 395.
Peers' sons in parliament, 338.
Peers, creation of, 348.
Pitt's plan, 349.
Peers of modern creation, *against* parliamentary reform,—old houses *for* it, 383.
Penny sciences, 88.
Perceval, his Orders in Council, 10.
his death, 14.
Petition of rights, 128.
Philip and Mary, their tyranny, 128.
Piracy and slavery alike, 84.
Pitt, Wm., his policy denounced, 73.
Plague in London, 23.
Police, county system, 231.
Political economy doctrines very elastic, 293.
names of men eminent in the science, 420.
its affinities with despotism, 421.
Political education in the Commons 337.
Political unions, 372.
POOR LAWS AMENDMENT, speech on, 389.

Poor Laws—
importance of, 390.
agrarian war, 392.
history of, 393.
evils of old law in increasing pauperism, 395.
administration of poor law, 396.
sound principles, 398.
objection to constant fund, 399.
destroys frugality, 399.
hospitals for accidents, 400.
hospitals for old age injurious, 400.
for children, evils, 401.
evils of allowance system, 402.
deterioration of peasantry. 403.
report of Commission, 406.
idleness in full pay, 407.
allowances destructive of industry, 408-9.
subverts law of nature, 410.
have increased crime, 413.
evils of poor laws abated by good management, 414.
Scotch system approved of, 415.
attempts to economise, 417.
Adam Smith's opinions, 419.
other economists, 420.
who should administer, 423.
a board recommended, 425.
powers to be given, 426.
law of settlement, 428.
illustrated, 429.
evasion of this law, 431.
increase of bastardy, 432.
demoralizing to women, 432.
Population *versus* property, basis of representation, 340.
tests of progress, 110.
Portugal, slave trade of, 96.
Press, influence of, 377.
to be counteracted by fair representation, 378.
Prisons in West Indies described, 208-9.
Prize money for catching slavers, 227.
Profits and prices of slaves, 109, 235-6.
Property qualification, 342.
Prussia excludes British trade, 5.
Prynne, Mr., on antiquity of boroughs, 350.

Qualifications for suffrage, 342-3.

Radnor, his ability, 361.
Railways, origin of, 88.
Reform Bill, its provisions, 341.
Reform, Parliamentary, speech on, 319.
ply to Lord Dudley, 321.
changes complained of, and reply, 323.
Dean Swift, 324.
quoted, 325.
Lord Mansfield answered, 329.
Lord Wharncliffe replied to, 331.
historical arguments, 337.
population and property as basis, 340.
provisions of bill, 341.
property qualification, 343.
close boroughs, 344.
freemen corruptible, 345.
seats bought and sold, 347.
peerages, 348.
creations of boroughs, 350.
two hundred in all, down to the Restoration, 350.
some Crown boroughs named, 351.
report of committee in 1624, 351.
widest basis found in oldest records, 352.
manufacturers not inferior to other men, 354.
middle classes, 357.
restoration a kingly duty, 364.
illustrations of old laws, 365.
"works well," 366.
York election, 367.
abuses of the system, 368-371.
arguments from the Commons, 374.
the press, 277.
old errors, 378.
Catholic claims, 380.
people the source and cause of power, 382.
Reforms in law for 1654, what has been accomplished, 301-2.
Resolution of Parliament in 1624, 351.
"Rights," petition of, 128.
Rio de Janiero slave trade, risks of capture, only six in the hundred, 235.
import of slaves, 286.
Rodney, Admiral, on state of slaves in West Indies, 202.
Rose, Mr., and Orders in Council, 29.

Scotland, poor laws of, 415.

Seats bought and sold, 347.
Selden on Saxon law, 393.
Settlement, law of, 428.
illustrated, 429.
evasions of, 430.
hiring, 432.
apprenticeship, 433.
Sheffield, petition from, 10,400, 333.
Slave carrying act, benefits of, 230.
clothing trade, 52.
ship at Liverpool, 84.
ships, how provided, 228.
shipping described, 232-235.
Slave Trade, speech on, 93.
progress of abolition cause, 93.
foreign slave trade unchecked, 96.
suggestions for abolishing American and Spanish slave trade, 97.
mode of landing slaves, 98.
Cuba trade large, 100.
capture of United States of America slaver, 101.
evasions of law in this country, 104.
Liverpool and London fittings of slaver, 105.
sort of vessel required, 108.
felonies, 109.
profits of slavery, 109.
slave acts, 110.
address moved, 111.
Slave Trade, second speech on, in 1838, 223.
apprenticeship, 225.
public wishes, 225.
errors in legislation, 227.
duties of cruisers, 227 to 229.
horrors of "middle passage" from Africa to Brazil and Cuba, 230 to 234.
defect of head money system, 232.
shipping and passage described, 232-235.
insurance of risks, 235.
number of slaves landed, 236.
Slave trade a capital offence in 1837, 84.
in United States of America vessels, 96.
Slavery in Europe extinguished by Christianity, 296.
Slaves, numbers landed, 236, 247-8.
Sligo, Lord, dedication to, 241.
on slave ships, 247.
Smith, Adam, his book introduced to the world by Wm. Pitt, 419.
his opinion of poor laws, 419.
Smith, Rev. John, missionary, his case, 115.
imprisonment and death, 116.
motion for censure, 116.
public excitement, 117.
speech, 119.
Missionary Society, 121.
charge against Smith, 122.
illegal proceedings, 122.
government instructions, 123.
anxiety caused by these, 124.
expectations of freedom, 124.
legal authorities should be upheld, 125.
Smith's good character for seven years in Demerara, 126.
revolt of negroes suppressed, 127.
court-martial on Smith, 128.
precedents, 128.
illegal and unconstitutional in Britain, 128-9.
Mutiny Act examined, 130.
slave evidence admitted against Smith, 131.
civil law best for accused, 131.
abuses resorted to, 132.
functions of Judge Advocate, 133.
perversion of justice, 134.
the judges catalogued, 134.
slave sales, 136.
arbitrary steps not justified by exigency of the times, 137-8.
specimens of evidence, 139.
hearsay, three or four deep, 140.
irrelevant matter, 141.
insinuations as evidence, and other improprieties, 142-4.
false witnesses, 145.
only one English established church for 77,000 slaves,
confessions of slaves extorted and recalled, 147.
Mr. Herbert's examination, 148.
suppression of interrogatories, 150.
charges against Smith, 154.
he cautions Stewart, 155.
misprision not a capital offence, 157.
insurrection caused by severity, 159.
insurrection and cruel punishments, 160.
Smith's teaching, 161.
intolerance of dominant party, 162.
address moved, 163.
Reply, 166.
charges abandoned, 168.
arguments of government, 169-172.

SMITH, REV. JOHN—
authorities quoted, 172.
Dutch law, 178.
Absurdities of government pleas, 179.
parallel with Sir P. Sydney's case, 182.
Judge Jeffries, 184.
conduct of Demerara authorities, 187.
South American markets in 1812, 38-40.
Spittalfields trade, 45.
Stanley (Earl Derby), on commercial policy of 1812, 13.
STATE OF THE LAW, 301.
Stephen, his tract on trade, 10.
Strike of p upers, 409.
Swift, Dean his politics noticed, 324. quoted 325.
Sydney, Sir Philip, his handwriting, 182.

TIME for working apprentices limited, 268.
Tiverton, borough of, 337.
Transport service, three millions a-year, 43.

WAGES, statute of, 21.
Walpole, Sir R., his bill on peerages, 377.
"War in disguise," Stephen's tract, 10, 48.
War, cost of, 82.
Watermen on the Thames, 116.
Wellesley, Marquess, dedication to, 218.
West India trade, 41.
West Indies, population returns, 199.
Wharncliffe, Lord, reply to, 332.
Williams, Judge, 117.
Winchelsea, Lord, quoted, 328.
Wood, Mr., his evidence, 33.

UNITED States of America, their rapid progress in wealth, 53-57.
Useful Knowledge Society publications, 87.

YORKSHIRE in 1812, 25.

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